

By Mr. WILLIAMS: A memorial of the legislature of the State of Mississippi, memorializing Congress to broaden and extend foreign markets for cotton and cotton goods—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AMES: A bill (H. R. 19079) granting a pension to Phoebe Templeton—to the Committee on Invalid Pensions.

By Mr. BARTHOLOTT: A bill (H. R. 19080) granting an increase of pension to Frederick Fienop—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 19081) granting an increase of pension to Eliza J. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19082) granting an increase of pension to John H. Grisson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19083) granting an increase of pension to William Glenn—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 19084) granting an increase of pension to Charles S. Anderson—to the Committee on Pensions.

Also, a bill (H. R. 19085) granting an increase of pension to W. F. Shoemate—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 19086) granting an increase of pension to Charles Eiserman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19087) granting an increase of pension to Charles Haggett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19088) granting an increase of pension to Nesbit Wiggins—to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 19089) granting an increase of pension to Anna E. Hughes—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 19090) granting an increase of pension to James L. Rowden—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 19091) granting an increase of pension to Ernst Langeneck—to the Committee on Invalid Pensions.

By Mr. GAINES of West Virginia: A bill (H. R. 19092) granting an increase of pension to Jonathan M. Riffe—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 19093) granting an increase of pension to Barnard J. Erwin—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 19094) granting an increase of pension to John Henry—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 19095) granting an increase of pension to Benjamin Hains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19096) granting an increase of pension to Joseph Goddard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19097) granting an increase of pension to Samuel N. Pethick—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 19098) granting an increase of pension to Sarah Young—to the Committee on Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 19099) granting an increase of pension to Columbus Cox—to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 19100) granting an increase of pension to Asa G. Brooks—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 19101) granting an increase of pension to Sarah C. A. Scott—to the Committee on Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 19102) for the relief of Samuel Y. B. Williams, of Chattanooga, Tenn.—to the Committee on War Claims.

By Mr. OLMSTED: A bill (H. R. 19103) granting an increase of pension to William Presley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19104) granting an increase of pension to Jacob Witmer—to the Committee on Invalid Pensions.

By Mr. SAMUEL: A bill (H. R. 19105) granting an increase of pension to William Moser—to the Committee on Pensions.

By Mr. SHERLEY: A bill (H. R. 19106) granting an increase of pension to Margaret Epperson—to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 19107) granting an increase of pension to Mary Ann Cody—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 14634) for the relief of George H. Chase, and it was referred to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURTON of Delaware: Petition of Capital Grange, Dover, Del., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD: Petition of Giles E. Miller, Times-Echo, Arkansas, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GROSVENOR: Petition of the United Boiler Makers and Iron-ship Builders of North America, for the Merchant Marine Commission shipping bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILTON: Petition of citizens of Dowling, Mich., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. HARDWICK: Paper to accompany bill for relief of Mary Navy—to the Committee on Pensions.

By Mr. HEFLIN: Petition of the Interdenominational Missionary Union of Washington, D. C., against Sunday opening of the Jamestown Exposition, by contract, as at St. Louis—to the Select Committee on Industrial Arts and Expositions.

Also, petition of the Woman's Interdenominational Missionary Union, for the Wadsworth bill, amended with the provisions of the Hefflin bill, to protect the first day of the week as a day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the East Brookland Citizen's Association, favoring the separate car system for Washington, D. C.—to the Committee on the District of Columbia.

By Mr. LAMB: Petition of Goodwill Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Y. B. Williams—to the Committee on War Claims.

By Mr. OLMSTED: Petition of citizens of Mechanicsburg, Cumberland County, Md., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. REYNOLDS: Petition of the Sinking Valley Presbyterian Church, Arch Spring, Pa., for prohibition of polygamy—to the Committee on the Judiciary.

By Mr. THOMAS of Ohio: Petition of the United Commercial Travelers, against consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Ohio, against bill S. 529 (the ship-subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. TOWNSEND: Petition of citizens of Michigan, against bill S. 529 (the ship-subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

SENATE.

WEDNESDAY, May 9, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. TELLER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

STATUE OF THOMAS JEFFERSON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, on behalf of the Commission created by the sundry civil appropriation act of April 28, 1904, reporting that the selection of a site in the District of Columbia for the statue of Thomas Jefferson and the procuring of plans and designs have been delayed by the death of the late Secretary of State, Mr. Hay, but that the Commission has secured the consent of Mr. Augustus St. Gaudens to make designs for the proposed statue as soon as engagements permit, and that they will be transmitted to Congress without any unavoidable delay thereafter; which was referred to the Committee on the Library, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 4546. An act ceding to the city of Canon City, Colo., certain lands for park purposes;

H. R. 8976. An act to change the line of the reservation at Hot Springs, Ark., and of Reserve avenue;

H. R. 14410. An act to amend an act approved August 3, 1894, entitled "An act concerning leases in the Yellowstone National Park;"

H. R. 16307. An act authorizing the Secretary of the Interior to have a survey made of unsurveyed public lands in the State of Louisiana;

H. R. 16672. An act to punish cutting, chipping, or boxing trees on the public lands;

H. R. 17114. An act to provide for the disposition under the public-land laws of the lands in the abandoned Fort Shaw Military Reservation, Mont.;

H. R. 17127. An act to provide for the subdivision and sale of certain lands in the State of Washington; and

H. R. 17411. An act for the resurvey of certain townships in the State of Nebraska.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

H. R. 5290. An act providing for the allotment and distribution of Indian tribal funds; and

H. R. 10133. An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities.

The following bills were severally read twice by their titles, and referred to the Committee on Pacific Islands and Porto Rico:

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 18443. An act to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900; and

H. R. 18502. An act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto.

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School, at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory, and approved the 15th day of March, 1905; was read twice by its title, and referred to the Committee on Territories.

The following bills were severally read twice by their titles, and referred to the Committee on Fisheries:

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska; and

H. R. 18435. An act to authorize the Secretary of Commerce and Labor to cooperate, through the Bureau of the Coast and Geodetic Survey and the Bureau of Fisheries, with the shell-fish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 7065. An act to amend section 858 of the Revised Statutes of the United States;

H. R. 17948. An act restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings;

H. R. 18328. An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas;

H. R. 18330. An act entitled "An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa;"

H. R. 18713. An act to validate certain certificates of naturalization; and

H. R. 14968. An act to amend the internal-revenue laws, so as to provide publicity of its records, was read twice by its title, and referred to the Committee on Finance.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 15078. An act granting to the Ocean Shore Railroad Company a right of way for railroad purposes across Pigeon Point Light-House Reservation, in San Mateo County, Cal.;

H. R. 15095. An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvements at the expense of persons, companies, or corporations;

H. R. 17982. An act to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River, on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone line across said reservation;

H. R. 18204. An act to authorize the Northampton and Halifax Bridge Company to construct a bridge across the Roanoke River at or near Weldon, N. C.;

H. R. 18439. An act to authorize the construction of a bridge across the Tallahatchie River, in Tallahatchie County, Miss.; and

H. J. Res. 134. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.

H. J. Res. 118. Joint resolution accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same, together with fractional sections 5 and 6, township 5 south, range 22 east, Mount Diablo meridian, California, within the metes and bounds of the Yosemite National Park, and changing the boundaries thereof was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

JOHN W. HAMMOND.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved, etc., That the President be requested to return the bill (H. R. 8948) entitled "An act granting an increase of pension to John W. Hammond."

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 13783) to provide souvenir medallions for the Zebulon Montgomery Pike Monument Association; and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the National Society, Daughters of the American Revolution, praying for the enactment of legislation to authorize the publication of the roster of those who served in the war of the Revolution, as is now being done by the War Department of those who served in the civil war and in the Spanish-American war; which was referred to the Committee on Military Affairs.

He also presented a petition of the National Society, Daughters of the American Revolution, praying for an investigation into the industrial conditions of women and child workers in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of the United States, praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the Monday Club, of Rochester, N. H., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of the eastern section of the District of Columbia and of Prince George County, Md., praying for the enactment of legislation to authorize the Marlboro Electric Railway Company to extend its lines into the District of Columbia and also to incorporate the East Washington Heights Railroad Company; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Thompson & Hoague Company, of Concord, N. H., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. George L. Mason and George A. Sanborn, of Rochester, N. H., and the petition of E. A. Chase, of Plymouth, N. H., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. PLATT presented petitions of sundry citizens of Rome, Brooklyn, Blackwells Island, and Auburn, and of Local Council No. 125, Junior Order United American Mechanics, of Lockport, all in the State of New York, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of Caton Grange, No. 248, Patrons of Husbandry, of Corning, N. Y., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the board of aldermen of New York City, N. Y., praying for the enactment of legislation granting relief to the victims of the *General Slocum* disaster; which was referred to the Committee on Claims.

Mr. DILLINGHAM presented a petition of the Vermont Federation of Women's Clubs, praying for an investigation into the

industrial condition of the women of the country; which was referred to the Committee on Education and Labor.

He also presented a petition of Green Mountain Council, No. 5, Daughters of Liberty, of Newport, Vt., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. DRYDEN presented petitions of Washington Camp, No. 39, Patriotic Order Sons of America, of Atlantic City, and of sundry citizens of Plainfield and Newark, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Montclair, N. J., praying for the establishment of a national bureau in behalf of the children of the country; which were referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Home and Foreign Missionary Society of the Presbyterian Church of Rutherford, N. J., and a petition of Colony No. 6, National Society of New England Women, of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. McCUMBER presented the petition of George W. Davison and sundry other inmates of the National Military Home in the State of Ohio, praying for the enactment of legislation increasing the pensions of dependent soldiers and sailors who served ninety days or more in the civil war; which was referred to the Committee on Pensions.

Mr. PENROSE presented petitions of Valley Grange, No. 52, of Millville; of Local Grange, No. 1277, of Glen; of Steuben Grange, No. 858, of Townville; of sundry citizens of Erie; of North Elk Run Grange, No. 913, of Mansfield; of sundry citizens of Philadelphia; of German Grange, No. 785, of Smithfield; of Local Grange No. 952, of Hopbottom; of West Nicholson Grange, No. 321, of Tioga County; of Elk Creek Grange, No. 997, of Lundys Lane; of Randolph Grange, No. 190, of Guys Mills; of Lehman Grange, No. 229, of Overton; of Leonard Grange, No. 779, of Leonard; of Local Grange No. 800, of Mayfield; of sundry citizens of Fulton County; of Local Grange No. 66, of Fulton; of South Branch Grange, No. 1288, of Coudersport, and of Local Grange No. 1225, of Frackville, all Patrons of Husbandry, in the State of Pennsylvania, praying for the removal of the internal-revenue tax on denaturalized alcohol; which were referred to the Committee on Finance.

Mr. BURROWS presented the memorial of George P. Codd, mayor of Detroit, Mich., remonstrating against the enactment of legislation providing that the inspector of asphalt and cements in the District of Columbia shall not receive or accept compensation of any kind from, or perform any work, or render any services of a character required by him officially by the District of Columbia to, any person, firm, corporation, or municipality other than the District of Columbia; which was referred to the Committee on Appropriations.

Mr. NELSON presented a petition of sundry citizens of Luverne, Minn., praying for the removal of the internal-revenue tax on denaturalized alcohol; which was referred to the Committee on Finance.

Mr. PROCTOR presented a petition of General Sherman Council, No. 31, Junior Order United American Mechanics, of Lyndon, Vt., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented petitions of Progressive Grange, No. 283, of Hartland, and Green Mountain Grange, No. 1, of St. Johnsbury, Patrons of Husbandry, and of the Woman's Christian Temperance Union of Enosburg Falls, all in the State of Vermont, praying for the removal of the internal-revenue tax on denaturalized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Vermont Federation of Women's Clubs, praying for an investigation into the industrial condition of the women of the country; which was referred to the Committee on Education and Labor.

Mr. FRYE presented a petition of Franklin Grange, No. 124, Patrons of Husbandry, of Bryants Pond, Me., praying for the removal of the internal-revenue tax on denaturalized alcohol; which was referred to the Committee on Finance.

REGULATION OF OSTEOPATHY IN THE DISTRICT OF COLUMBIA.

Mr. FRYE. I present a memorial of the Medical Society of the District of Columbia, remonstrating against the enactment of legislation to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia. I move that the memorial lie on the table, and that it be printed as a document.

The motion was agreed to.

MISSOURI RIVER BRIDGE IN MONTANA.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 5989) to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont., reported it with amendments, and submitted a report thereon.

Mr. CARTER subsequently said: I ask unanimous consent for the present consideration of the bill (S. 5989) to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont., which was reported from the Committee on Commerce by the Senator from Arkansas [Mr. BERRY].

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Commerce were, on page 1, line 5, to strike out the words "and maintain a railroad bridge" and insert "maintain and operate a railroad bridge and approaches thereto;" and in line 8, after the word "Montana," to strike out the period and the remainder of the bill and insert:

In accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

So as to make the bill read:

Be it enacted, etc., That the Chicago, Milwaukee and St. Paul Railway Company, of Montana, its successors or assigns, be, and are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Missouri River at some convenient and practicable point within the limits of Broadwater County, or between Broadwater and Gallatin counties, in the State of Montana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF MOTOR BOATS.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the amendment of the House of Representatives to the bill (S. 4094) to amend section 4426 of the Revised Statutes of the United States—regulation of motor boats—to report it back favorably, and to move that the Senate concur in the amendment of the House of Representatives.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 2, after "hire," insert "but not engaged in fishing as a regular business."

The VICE-PRESIDENT. The Senator from Maine moves that the Senate concur in the amendment of the House.

The motion was agreed to.

NORTHERN PACIFIC RAILWAY LAND GRANT.

Mr. FULTON. From the Committee on Public Lands I report back favorably the amendment of the House of Representatives to the bill (S. 2292) for the relief of certain entrymen and settlers within the limits of the Northern Pacific Railway land grant.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 8, after the word "abandoned," insert:

Provided, That all lieu selections made under this act shall be confined to lands within the State where the private holdings are situated.

Sec. 2. That this act shall become effective upon an acceptance thereof by the Northern Pacific Railway Company being filed with the Secretary of the Interior.

Mr. FULTON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CHARLES L. ALLEN.

Mr. PENROSE. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 13946) for the relief of Charles L. Allen, to report it favorably without amendment. I call the attention of the senior Senator from New York [Mr. PLATT] to the bill.

Mr. PLATT. I ask to have the bill put upon its passage at the present time.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to issue to Charles L. Allen, of New York, a duplicate in lieu of United

States 4 per cent registered bond of the funded loan of 1907, No. 141694, for \$100, inscribed in his name, and alleged to have been lost after having been assigned in blank.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WEIGHING OF MAILS.

Mr. PENROSE. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the joint resolution (S. R. 54) authorizing a change in the weighing of the mails in the fourth section, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That on account of the earthquake calamity in California on April 18, 1906, authority is hereby given to the Postmaster-General to use the average daily weight of mails for a period not less than thirty successive working days ascertained during the period from February 20 to April 17, 1906, in adjusting the compensation, according to law, on all railroad routes in the fourth section for the transportation of mails during the quadrennial term beginning July 1, 1906, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average daily weight shall be ascertained by the weighing of the mails for such a number of successive working days not less than ninety.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. ASHTON.

Mr. BURKETT. By direction of the Committee on Pensions I reported back favorably the other day the bill (S. 5871) granting an increase of pension to William B. Ashton. I am informed of the death of the pensioner, and I move the indefinite postponement of the bill.

The motion was agreed to.

BILLS INTRODUCED.

Mr. DICK introduced a bill (S. 6090) to furnish bronze medals of honor to surviving soldiers who responded to President Lincoln's first call for troops; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LODGE (by request) introduced a bill (S. 6091) to regulate the issuing of licenses to plumbers, gas fitters, and fixture hangers in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BURROWS introduced a bill (S. 6092) to correct the military record of David Chrisman; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6093) granting a pension to Hester A. Collier; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6094) granting an increase of pension to James H. Clayton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 6095) granting an increase of pension to Hugh Marshall; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 6096) granting a pension to John Little; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FLINT introduced a joint resolution (S. R. 55) for the further relief of sufferers from earthquake and conflagration in the State of California; which was read twice by its title, and referred to the Committee on Appropriations.

CONSTITUTIONAL AMENDMENT AGAINST POLYGAMY.

Mr. PLATT. I introduce a joint resolution proposing an amendment to the Constitution of the United States. I ask that it may be read, and that it lie on the table.

The joint resolution (S. R. 56) proposing an amendment to the Constitution of the United States prohibiting polygamy and polygamous cohabitation within the United States was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution of the United States, to be numbered and to read as follows, to wit:

"ARTICLE XVI.

"SEC. 1. Neither polygamy nor polygamous cohabitation shall exist in the United States or any place subject to its jurisdiction.

"SEC. 2. The practice of polygamy or polygamous cohabitation within the bounds of a State or Territory of the United States, or any place

subject to its jurisdiction, shall be treated as a crime against the United States.

"SEC. 3. Congress shall have power to enforce the provisions of this article by appropriate legislation, but nothing in this article shall be construed to deny to any State the exclusive power, subject to the provisions of this article, to make and enforce all laws concerning marriage and divorce within its jurisdiction or to vest in the United States any power respecting the same within any State."

The VICE-PRESIDENT. The joint resolution will lie on the table and be printed.

AMENDMENTS TO RAILROAD RATE BILL.

Mr. LA FOLLETTE submitted four amendments intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which were ordered to lie on the table, and be printed.

Mr. KEAN submitted an amendment intended to be proposed by him to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; which was ordered to lie on the table, and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. RAYNER (for Mr. GORMAN) submitted an amendment proposing to appropriate \$4,427.44 to pay the administrator de bonis non of the estate of Albert Seekamp the amount found due him by the Court of Claims, intended to be proposed by Mr. GORMAN to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HALE submitted an amendment proposing to appropriate \$15,000 for the publication of an edition of 10,000 copies of a memorial volume commemorative of the final interment of the body of John Paul Jones at the United States Naval Academy, Annapolis, Md., intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. KNOX submitted an amendment proposing to appropriate a sum sufficient to pay the legal representatives of the late Thomas H. Carpenter, captain, United States Army, retired, the difference between the pay of a captain on the retired list from March 1, 1866, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the compensation of three telephone operators for the Metropolitan police, District of Columbia, from \$600 to \$720 per annum, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On May 8:

- S. 591. An act granting a pension to William C. Banks;
- S. 1692. An act granting a pension to Ellen H. Swayne;
- S. 1818. An act granting a pension to Edward T. White;
- S. 1913. An act granting a pension to Clara F. Leslie;
- S. 2021. An act granting a pension to Juliet K. Phillips;
- S. 2767. An act granting a pension to Sarah S. Etue;
- S. 3308. An act granting a pension to Sarah Lovell;
- S. 3555. An act granting a pension to Alice A. Fray;
- S. 5095. An act granting a pension to Jeremiah McKenzie;
- S. 5146. An act granting a pension to Mary J. McLeod;
- S. 5192. An act granting a pension to John H. Stacey;
- S. 5455. An act granting a pension to Emily J. Alden;
- S. 13. An act granting an increase of pension to Hautville A. Johnson;
- S. 556. An act granting an increase of pension to William H. Egolf;
- S. 834. An act granting an increase of pension to Lucian W. French;
- S. 918. An act granting an increase of pension to Edwin N. Baker;
- S. 971. An act granting an increase of pension to William H. Hackney;
- S. 1013. An act granting an increase of pension to William H. Odear;
- S. 1260. An act granting an increase of pension to Frank Pugsley;
- S. 1514. An act granting an increase of pension to George W. Wicks;

- S. 1564. An act granting an increase of pension to Leander C. Reeve;
- S. 1605. An act granting an increase of pension to Richard H. Lee;
- S. 1628. An act granting an increase of pension to Christian H. Goebel;
- S. 1691. An act granting an increase of pension to Alice S. Shepard;
- S. 1728. An act granting an increase of pension to Joseph H. Allen;
- S. 2759. An act granting an increase of pension to William B. Mitchell;
- S. 2799. An act granting an increase of pension to Willis H. Watson;
- S. 2886. An act granting an increase of pension to Martha Hoffman;
- S. 2959. An act granting an increase of pension to William R. Gallion;
- S. 2977. An act granting an increase of pension to David B. Neafus;
- S. 2985. An act granting an increase of pension to George W. Bodenhamer;
- S. 3119. An act granting an increase of pension to Francis A. Beranek;
- S. 3130. An act granting an increase of pension to George B. Vallandigham;
- S. 3178. An act granting an increase of pension to Daniel Shelly;
- S. 3230. An act granting an increase of pension to William C. Bourke;
- S. 3272. An act granting an increase of pension to John Hirth;
- S. 3273. An act granting an increase of pension to Abisha Risk;
- S. 3415. An act granting an increase of pension to William Triplett;
- S. 3468. An act granting an increase of pension to Myra R. Daniels;
- S. 3549. An act granting an increase of pension to Martha H. Ten Eyck;
- S. 3551. An act granting an increase of pension to Solomon Jackson;
- S. 3655. An act granting an increase of pension to Mary A. Good;
- S. 3720. An act granting an increase of pension to Smith Vaughan;
- S. 3759. An act granting an increase of pension to Henry D. Miller;
- S. 3765. An act granting an increase of pension to Charles R. Frost;
- S. 3883. An act granting an increase of pension to Ferdinand Hercher;
- S. 4010. An act granting an increase of pension to Bridget Egan;
- S. 4018. An act granting an increase of pension to Ebenezer Lusk;
- S. 4112. An act granting an increase of pension to Henry Swigart;
- S. 4126. An act granting an increase of pension to Willard Farrington;
- S. 4193. An act granting an increase of pension to Calvin D. Wilber;
- S. 4231. An act granting an increase of pension to Owen Martin;
- S. 4359. An act granting an increase of pension to Mary E. Lincoln;
- S. 4392. An act granting an increase of pension to Cornelia A. Mobley;
- S. 4511. An act granting an increase of pension to William Hoaglin;
- S. 4576. An act granting an increase of pension to William Monks;
- S. 4582. An act granting an increase of pension to Seth H. Cooper;
- S. 4688. An act granting an increase of pension to Noel J. Burgess;
- S. 4739. An act granting an increase of pension to Benjamin F. Burgess;
- S. 4745. An act granting an increase of pension to Susan J. F. Joslyn;
- S. 4759. An act granting an increase of pension to Oliver M. Stone;
- S. 4760. An act granting an increase of pension to John B. Lee;
- S. 4763. An act granting an increase of pension to Harrison Randolph;
- S. 4901. An act granting an increase of pension to Joshua M. Lounsberry;
- S. 5055. An act granting an increase of pension to Melvin Grandy;
- S. 5077. An act granting an increase of pension to Gabriel Cody;
- S. 5091. An act granting an increase of pension to Sallie Tyrrell;
- S. 5092. An act granting an increase of pension to Mary C. Feigley;
- S. 5093. An act granting an increase of pension to Josiah F. Staubs;
- S. 5094. An act granting an increase of pension to Samuel F. Baublitz;
- S. 5114. An act granting an increase of pension to Lizzie B. Cusick;
- S. 5173. An act granting an increase of pension to William S. Garrett;
- S. 5186. An act granting an increase of pension to Robert Staplins;
- S. 5189. An act granting an increase of pension to Margaret F. Joyce;
- S. 5205. An act granting an increase of pension to John F. Alsup;
- S. 5219. An act granting an increase of pension to David N. Morland;
- S. 5255. An act granting an increase of pension to John D. Cutler;
- S. 5291. An act granting an increase of pension to Elijah A. Smith;
- S. 5337. An act granting an increase of pension to Samuel M. Tow;
- S. 5338. An act granting an increase of pension to David Buckner;
- S. 5342. An act granting an increase of pension to Mary E. Johnson;
- S. 5344. An act granting an increase of pension to Sophronia Roberts;
- S. 5355. An act granting an increase of pension to Annie M. Walker;
- S. 5366. An act granting an increase of pension to John Beatty;
- S. 5375. An act granting an increase of pension to Frances L. Porter;
- S. 5439. An act granting an increase of pension to George W. Dunlap;
- S. 5453. An act granting an increase of pension to Jacob M. Pickle;
- S. 5515. An act granting an increase of pension to Matilda C. Frizelle; and
- S. 5517. An act granting an increase of pension to William H. H. Shaffer.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. If there are no concurrent or other resolutions, the Chair lays before the Senate the unfinished business, which is House bill 12987.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The VICE-PRESIDENT. The pending question is on the amendment offered by the Senator from New Jersey [Mr. DRYDEN] to the amendment of the Senator from West Virginia [Mr. ELKINS]. The amendment and the amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment submitted by the Senator from West Virginia [Mr. ELKINS] by inserting before the first word—the word "It"—in the amendment the following words:

That on and after July 1, 1911.

So that if amended the amendment will read:

That on and after July 1, 1911, it shall be unlawful for any common carrier engaged in producing, manufacturing, buying, furnishing, or selling, directly or indirectly, coal, coke, or any other commodity to engage in interstate commerce: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or producing other commodities exclusively for its own use.

Mr. LODGE. The pending question is on an amendment to the amendment, is it not?

The VICE-PRESIDENT. It is.

Mr. LODGE. Therefore, it is not open to further amendment

at this stage. If adopted, will it be open to amendment? I think the date is altogether too remote.

The VICE-PRESIDENT. The Senator proposing the amendment to the amendment can modify it, if he sees fit.

Mr. LODGE. If adopted now, it can not be amended until it reaches the Senate stage?

The VICE-PRESIDENT. The Chair so understands.

Mr. McCUMBER. I simply wish to ask as a parliamentary matter whether a substitute would be in order for the amendment as amended after it has been amended?

The VICE-PRESIDENT. The Chair understands that a substitute would be in order. There has been a substitute proposed by the Senator from Mississippi [Mr. McLAURIN].

Mr. McCUMBER. But it would not be in order at this time?

The VICE-PRESIDENT. A substitute would not be in order until after the amendment has been perfected.

Mr. GALLINGER and others. Question.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. DRYDEN] to the amendment of the Senator from West Virginia [Mr. ELKINS]. [Putting the question.] In the opinion of the Chair the ayes have it.

Mr. CULBERSON. I ask for a division.

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. FRYE. I should like to ask the Senator from New Jersey if he can not modify his amendment by reducing the time somewhat?

Mr. DRYDEN. I should like to inquire what the proposed modification is?

Mr. FRYE. I should like to have it 1908 or 1909.

Mr. LODGE. 1908.

Mr. DRYDEN. I will agree to a modification making it 1909.

Mr. LODGE. That is lengthening it out too much.

Mr. DRYDEN. It gives but two years and a half to readjust interests involving hundreds of millions of dollars. I think it is a very short time.

The VICE-PRESIDENT. The Senator from New Jersey modifies his proposed amendment to the amendment as follows.

The SECRETARY. By striking out the word "eleven" and inserting in lieu the word "nine;" so that it will read:

That on and after July 1, 1909.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BACON. I understand that the provision in the substitute is for May, 1908. Am I correct?

The VICE-PRESIDENT. Does the Senator inquire what is the date under the modified amendment of the Senator from New Jersey to the amendment?

Mr. BACON. That is offered as an amendment to the substitute proposed by the Senator from Mississippi, is it not?

The VICE-PRESIDENT. It is offered as an amendment to the amendment of the Senator from West Virginia [Mr. ELKINS] and is not directed to the proposed substitute.

Mr. BACON. In the amendment offered by the Senator from West Virginia there is no time limit, I understand.

The VICE-PRESIDENT. The Chair understands that there is no limit in the amendment proposed by the Senator from West Virginia.

Mr. BACON. But there is a time limit suggested in the substitute which will be proposed by the Senator from Mississippi, which I understand to be May, 1908. So there are practically those two propositions before us.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New Jersey [Mr. DRYDEN] as modified by him to the amendment of the Senator from West Virginia [Mr. ELKINS], on which the yeas and nays have been ordered.

Mr. SPOONER. I ask that the amendment to the amendment be read.

The VICE-PRESIDENT. The amendment to the amendment will be again read.

Mr. DOLLIVER. I should like to have the whole amendment reported as modified.

The VICE-PRESIDENT. Without objection, the Secretary will read the entire amendment as it will stand if amended.

The SECRETARY. The amendment proposed by the Senator from New Jersey [Mr. DRYDEN] is to insert before the first word—the word "It"—in the amendment of the Senator from West Virginia the following words:

That on and after July 1, 1909.

So that if amended the proposition will read:

That on and after July 1, 1909, it shall be unlawful for any common carrier engaged in producing, manufacturing, buying, furnishing, or

selling, directly or indirectly, coal, coke, or any other commodity to engage in interstate commerce: *Provided*, That nothing in this act shall be construed to prevent a carrier from mining coal or producing other commodities exclusively for its own use.

The VICE-PRESIDENT. The Chair understands that the yeas and nays are still desired upon the amendment to the amendment as modified.

Mr. BEVERIDGE. Is the question before the Senate on which we are about to vote the amendment of the Senator from New Jersey to the amendment of the Senator from West Virginia, or is it upon the whole proposition?

The VICE-PRESIDENT. It is only upon the amendment proposed by the Senator from New Jersey to the amendment proposed by the Senator from West Virginia.

Mr. BEVERIDGE. So the subject upon which the Senate is now about to vote is the question as to whether three years or two and a half years' time shall be given for the disposition of the property.

The VICE-PRESIDENT. As to whether the time mentioned in the amendment to the amendment shall be given. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. PROCTOR (when his name was called). I am paired with the senior Senator from Florida [Mr. MALLORY] on all votes upon the pending bill. I therefore withhold my vote, and I will make no further announcement of the pair.

The roll call was concluded.

Mr. SPOONER. I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. I understand that he would vote against this amendment if present.

Mr. TILLMAN. He would.

Mr. SPOONER. I am therefore not at liberty to vote. If I were at liberty to vote, I should vote "yea."

The result was announced—yeas 44, nays 29—as follows:

YEAS—44.

Aldrich	Clarke, Ark.	Gallinger	Nixon
Alger	Crane	Hale	Penrose
Allee	Cullom	Hansbrough	Perkins
Ankeny	Dick	Hemenway	Piles
Beveridge	Dillingham	Hopkins	Platt
Brandegee	Dryden	Kean	Scott
Bulkeley	Elkins	Kittredge	Smoot
Burnham	Flint	Knox	Sutherland
Carter	Foraker	Long	Warner
Clark, Mont.	Frye	McCumber	Warren
Clark, Wyo.	Fulton	Nelson	Wetmore

NAYS—29.

Bacon	Dolliver	McCreary	Simmons
Bailey	Dubois	McLaurin	Stone
Berry	Foster	Martin	Taliaferro
Blackburn	Frazier	Money	Teller
Burkett	Gamble	Newlands	Tillman
Clapp	Gearin	Overman	
Clay	La Follette	Pettus	
Culbertson	Lodge	Rayner	

NOT VOTING—16.

Allison	Daniel	Latimer	Morgan
Burrows	Depew	McEnery	Patterson
Burton	Gorman	Mallory	Proctor
Carmack	Heyburn	Millard	Spooner

So the amendment to the amendment was agreed to.

Mr. HOPKINS. Mr. President, I move to refer the amendment proposed by the Senator from West Virginia [Mr. ELKINS] as just amended by the amendment of the Senator from New Jersey [Mr. DRYDEN] and all pending amendments relating to this subject and the proposed substitute to the Committee on Interstate Commerce.

The reason I am constrained to make that motion is on account of the experience we have had during all day yesterday and up to this time to-day. The vote that has just been taken shows that there is a wide division of sentiment among the members of the Senate as to the wisdom of the last amendment which has been adopted. I think, however, there is no division of sentiment that this subject should be treated, and that we should have legislation which would forever divorce transportation companies from mining and marketing coal and other natural products. For one I am exceedingly anxious that this question should receive careful consideration at the hands of the committee; that a bill should be reported to the Senate; that the Senate and the House of Representatives should speedily pass it, and that it should be enacted into law; but it is too grave a question to be settled on the floor of the Senate by amendments. In my judgment it is not second in importance to the subject we are now considering, where we propose to give the Interstate Commerce Commission the power to fix rates. That is a marvelous advance in legislation upon this great subject.

In the coal question we meet a subject that is entirely dif-

ferent from the one of rates relating to railroads, but it is a subject which equally interests all sections of our common country and which equally interests all classes of people in the United States. Hence it is important that it should not be combined with this question and that it should have the careful consideration of a committee and of the Senate itself.

Senators will remember that during this session of Congress a resolution has been passed authorizing the Interstate Commerce Commission to investigate this very subject; and if my motion prevails and the subject-matter of this amendment shall be sent to this committee of the Senate the committee will have the benefit of the investigation which has already been made and which is now being made by the Commission to formulate proper legislation on this great and important matter.

Mr. BAILEY. Mr. President, I make the point of order that it is not in order to move to commit an amendment to a committee.

Mr. ALDRICH. Under what rule?

Mr. BAILEY. It is in order to move to commit a bill, but there is no rule authorizing a motion to commit an amendment.

Mr. ALDRICH. I ask that the twenty-second rule be read.

Mr. BAILEY. The Senate can dispose of an amendment by voting it down, but there is no authority for a motion to commit an amendment to a committee.

Mr. ALDRICH. I ask that the twenty-second rule may be read, and perhaps the Senator will then change his mind.

The VICE-PRESIDENT. The Secretary will read the rule, as requested by the Senator from Rhode Island [Mr. ALDRICH]. The Secretary read as follows:

RULE XXII.—Precedents of motions.

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit.
To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Mr. ALDRICH. I ask the Chair to decide as to what is the pending question. What question is pending before the Senate, Mr. President?

The VICE-PRESIDENT. The pending question is on the motion made by the Senator from Illinois [Mr. HOPKINS].

Mr. ALDRICH. It seems to me very clear, then, that the pending amendment can be committed under the twenty-second rule.

Mr. BAILEY. There is no bill pending before that committee to which this amendment would be in order. The rule clearly contemplated that the bill itself might be committed, but not an amendment to the bill.

Mr. ALDRICH. The bill itself is not pending, and will not be until the question comes up on its final passage.

Mr. BAILEY. If this bill is not now pending before this Committee of the Whole, then I confess my inability to understand the situation.

Mr. ALDRICH. The bill is pending before the Senate; but the pending question is on the amendment of the Senator from West Virginia [Mr. ELKINS] as modified or sought to be amended by other Senators.

Mr. BAILEY. In a sense, Mr. President, the pending amendment is the question immediately before the Senate.

Mr. GALLINGER. If the Senator will permit me—

Mr. BAILEY. Certainly.

Mr. GALLINGER. It seems to me very clear that the clause of the rule which has been read presupposes that the bill has been reported from a committee and that it may be committed again to the committee.

Mr. BAILEY. I think that is true; and I have no kind of question in my mind that it would be entirely in order to move to commit the bill.

Mr. GALLINGER. There is no doubt about that.

Mr. BAILEY. But it is not in order to move to commit an amendment offered to the bill. The question pending in the Senate is the bill in its broad and true meaning.

Mr. GALLINGER. Certainly.

Mr. BAILEY. And the immediate question pending to that bill, of course, is this amendment.

Of course, Mr. President, I understand that the majority of the Senate can, on a question of this kind, make a rule to suit itself; but I do not believe in a matter of this importance that is the best way to dispose of it. If the majority think it proper

to vote this down and then with their majority in committee to take it up again, or to introduce and refer a bill to the committee, it would seem that the committee could deal with it and could report. But I suggest—

Mr. McLAURIN. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Mississippi?

Mr. BAILEY. Certainly.

Mr. McLAURIN. How could the Committee on Interstate Commerce consider an amendment to a bill when they did not have the bill before them?

Mr. BAILEY. That is precisely the suggestion I was going to make in addition to the intimation I had given of that before. As I understand, a committee can only consider bills or resolutions referred to it. This is neither a bill nor a resolution. Probably in some cases which relate to an appropriation bill we have a rule under which amendments may be introduced to such a bill, referred to a committee, and reported, but that is under a peculiar or, at least, under a special provision of the rules.

Mr. BACON. Mr. President, I think the point of order raised by the Senator from Texas [Mr. BAILEY] is undoubtedly correct. It rests upon a very fundamental proposition known to general parliamentary law, and that is that when a parliamentary body is considering a proposition an amendment to that proposition can not be considered for final disposition separately from the main proposition and can not be disposed of under any general rule of parliamentary law independently of the original bill or the main proposition.

I desire to call the attention of the Chair to one feature which grows out of that general proposition and which is recognized as a universal rule in general parliamentary law. Under general parliamentary law the motion to lay an amendment upon the table can not be received and adopted without carrying the main proposition with it, and that is based upon the general proposition which I have just suggested, that to adopt a motion to lay an amendment upon the table would recognize the propriety of the disposition of an amendment in a manner independently of the disposition of the original proposition. Therefore it is that it is only when there is a special rule, such as we have in the Senate, which varies the general proposition that to that extent an amendment can be disposed of otherwise than by a direct vote either adopting or rejecting it.

It is manifest, Mr. President, that that general rule is a proper one, and for myself I have always regretted that we have a rule in the Senate which permits an amendment to be laid on the table independently of the original proposition. The purpose of laying a matter on the table is to temporarily pass from its consideration with the expectation thereafter of returning to its consideration, a purpose which manifestly can not be carried out in the case of an amendment, because when you lay an amendment on the table and pass on to other matters it is impracticable thereafter to return to its consideration. Therefore it is that the purpose under our rules of laying an amendment on the table is not the general purpose which is sought to be subserved in the laying of any matter on the table, but it is for the purpose of its permanent disposition, which is a perversion of the original purpose of the motion. That is so treated here, so that when an amendment is laid on the table it is permanently disposed of. The only difference between that and any other proceeding in reference to an amendment is that it allows the Senate to come to a vote without further debate upon it.

I only mention that for the purpose of illustrating the general proposition that an amendment to a proposition can not be disposed of by being referred to an independent body, or by any other disposition in any other manner than either by its adoption or its rejection, unless there is a special rule which authorizes it, as we have in the special rule of the Senate under which it can be laid upon the table.

Mr. President, the general proposition which I submit to the Chair as a sound one, and which I think can not be safely assailed, is that in the case of an amendment to a substantive proposition there is no way in which that amendment can be disposed of independently of the original proposition except by its rejection or its adoption, unless there is a specific rule which authorizes a different disposition, as is the case in our rules where a motion to lay upon the table is permitted.

I say, Mr. President, that is a fundamental proposition, and Senators may search the books and they may search the commentators on parliamentary law, and they will find no exception to it.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. If the Senator will pardon me, a motion to commit or to recommit a bill would carry with it all amendments.

Mr. BACON. Undoubtedly.

Mr. ALDRICH. Mr. President—

Mr. BACON. If the Senator will pardon me, unless he desires to ask me a question—

Mr. ALDRICH. I was going to ask a question.

Mr. BACON. I hope the Senator will pardon me for a moment.

Mr. President, the intimate connection between an amendment and the original proposition is not only illustrated by the general rule, as I have endeavored to state it, but it is further illustrated by the practice which is recognized in all parliamentary jurisdictions that a motion to dispose of amendments in any other way, as by a motion to lay it on the table, will carry with it in the same direction the original proposition. There are two ways in which the question of a motion to indirectly dispose of an amendment can be treated. One is to say it is out of order, as is practiced in some jurisdictions, and not to consider it; and the other is to say that it is in order, as, in fact, the regular rule; but if it prevails it carries with it the original proposition. In other words, the nexus between the two is so intimate that parliamentary law does not recognize the possibility of their severance, and one must go with the other. It is the unborn child which can have no life when sundered from the mother.

Mr. HOPKINS. Mr. President, the Senate, as well as the House of Representatives, is acting under a code of rules that has been adopted for its guidance. Such rules are paramount to any general parliamentary law or even to Jefferson's Manual, which was originally adopted by the Senate.

Under the rules of the House of Representatives this proposed amendment of the Senator from West Virginia would be ruled out of order, because under the rules of the House an amendment that is proposed to a pending bill must be germane. The bill that is pending here before the Senate is a bill that relates to the regulation of the rates of railroads—a subject that is entirely separate and distinct from the question that is raised by the amendment that was originally offered by the Senator from West Virginia [Mr. ELKINS].

I do not care, Mr. President, whether you call that amendment a question or an amendment. The name does not make the difference. It is a separate and distinct question from the proposition that is presented here in the bill that was reported by the Senator from South Carolina [Mr. TILLMAN]. If it is a separate question, the fact that the Senator from West Virginia calls it an amendment can not change the rules of the Senate. What is the rule of the Senate on that matter? It says:

When a question is pending no motion shall be received but * * * a motion to commit.

The question that is pending before us under the amendments covered by the motion I have made is nothing that relates to the fixing of rates or any question that is incident to the completion and perfection of the bill upon that subject; but, as I have observed, it is something separate and distinct and of such grave importance that the members of the Senate have been kept here for two days without being able to reach any conclusion whatever upon the subject. It seems to me that, with the rule before us, it is just as reasonable and as pertinent to adopt the motion here as it is to take the construction of the Senator from Texas. If this motion is adopted, we are simply giving a reasonable and pertinent construction to the rule itself. According to the argument of the Senator from Texas, he must give a construction to the rule in order to have his conclusions adopted, and the language is as open to the construction for which I contend as it is for that of the Senator from Texas. In view of the paramount importance of the question, it seems to me that the construction that this is a new question and that the committee can take jurisdiction of it under this motion should prevail.

Mr. LODGE. Mr. President, I am as anxious as anybody could possibly be to have this subject, which I think a large and complicated one, referred to a committee, so that before the conclusion of the session we may act upon it intelligently and better than we possibly can now; but I can not vote, Mr. President, to attain that result, which is easily attainable in an orderly manner and in conformity with what I believe to be parliamentary law, in a manner which I believe to be contrary to parliamentary law and contrary to the practice of the Senate.

An amendment has no existence except in connection with the measure to which it is proposed. When we send amendments to a committee to consider it is because the bill to which they are proposed is in a committee in a state of preparation; but this bill is before the Senate; it is not before the commit-

tee; and there is no bill before the committee relating to this subject. If there were a bill before the committee relating to this matter—the divorcing of railroads from the ownership of coal lands—it would be then perfectly proper to refer these amendments for the consideration of the committee in connection with that bill. But to take the amendment away from the bill by which alone it can have parliamentary existence, I do not believe can possibly be done.

I have looked as well as a very brief time would permit me to do so at the very full collection of precedents of the House which were prepared for the House, and there is not a suggestion in all the innumerable questions that have arisen about amendments and committal that a motion to commit could ever be applied to an amendment by itself. A motion to commit invariably applies—and every decision in this great work shows that it applies—to the bill, to the subject before the House, and not to an amendment to the subject or the proposition before the House. The first words of the eighteenth chapter on amendments are:

Under the rule relating to amendments the following motions are in order: To amend; to amend that amendment; for a substitute; and to amend the substitute.

These are all the motions that are in order in regard to an amendment.

Our standing rule simply establishes the order of motions. It does not say what we can commit. Those are the motions, in their order, which may apply to the proposition before the Senate, or, like a motion to adjourn, apply only to the action of the body and not to the proposition then pending.

Mr. SPOONER. The motion to commit must apply to the substantive proposition.

Mr. LODGE. The motion to commit, the Senator from Wisconsin suggests, must apply to some substantive proposition. The substantive proposition before the Senate is the bill, and nothing else. The amendment is a mere attachment proposed to the bill, which may come into existence, or may have no existence; but it is here only because the bill is here. If there was no bill here, nobody would suggest that an amendment could be discussed when no bill existed to which it could apply.

Mr. President, I can find nothing in the general parliamentary law that refers to anything but the committal of the subject before the body. There is an utter absence of any suggestion, in any volume of rules at which I have been able to look, that it was ever contemplated that an amendment by itself could be committed to a committee or referred separately from the main proposition.

I want to see this whole subject committed to a committee, with the understanding that it shall be reported on in proper form and dealt with before this session adjourns; but I think it ought to be done in an orderly way, and in conformity with the universal practice of the Senate and with the general principles of parliamentary law. If we want to commit these amendments to a committee, we have nothing to do but to introduce a resolution or a bill covering this subject, and then refer all the amendments as relating to that bill; but to refer amendments alone I do not think can possibly be done.

Mr. ALDRICH. The weakness of the contention of the Senator from Massachusetts is disclosed upon its statement. He says that if a bill were offered in the Senate and referred to the Committee on Interstate Commerce having reference to this subject, then these amendments could be taken out of the Senate and referred to that committee.

Mr. LODGE. An amendment to a bill pending in the committee could be referred, of course, to the committee. That is our practice.

Mr. ALDRICH. It seems to me that the Senator in conceding that gives away his whole case.

Mr. LODGE. Not the least in the world. There is no bill in the committee to refer the amendments to. You can not have amendments without a bill.

Mr. ALDRICH. It is not necessary to have any subject before the Committee on Interstate Commerce to refer another subject to that committee, I take it.

Mr. LODGE. If the Senator will excuse me, it is not a subject; it is an amendment you are proposing.

Mr. ALDRICH. What is an amendment but a subject, and what is an amendment but a motion, and what is an amendment but a question? If anybody can distinguish between a motion and an amendment and a question, as treated by parliamentary law, I should be very glad to have somebody discuss that point.

Mr. CULBERSON. Mr. President, will the Senator permit me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. Certainly.

Mr. CULBERSON. On page 115 of Jefferson's Manual it is said:

1. It would be absurd to postpone the previous question, commitment, or amendment, alone, and thus separate the appendage from its principal; yet it must be postponed separately from its original, if at all; because the eighth rule of Senate says that when a main question is before the House—

The main question here is the bill to regulate commerce—

no motion shall be received but to commit, amend, or prequestion the original question, which is the parliamentary doctrine also.

Mr. ALDRICH. Those are questions pertaining to the original question, which is the bill itself, but I am discussing this question from the standpoint of the twenty-second rule, which says that any question pending—which in this case is simply an amendment—can be committed, and that a motion to commit is in order.

The Senator from Georgia [Mr. BACON] claims that because the Senate has provided in its rules that an amendment can be laid upon the table without carrying the main question, therefore, that is a reason why this motion can not be made.

Mr. BACON. The Senator entirely misunderstands me.

Mr. ALDRICH. By inference that is what the Senator said.

Mr. BACON. Oh, no; that is not the reasoning at all.

Mr. ALDRICH. Then I did not understand the Senator and I could not understand him. Of course the reason why a motion to lay on the table is made—

Mr. BACON. Will the Senator permit me to state it? He says he did not understand it.

Mr. ALDRICH. Certainly.

Mr. BACON. I was simply using that by way of illustration—

Mr. ALDRICH. That is what I understood.

Mr. BACON. Pardon me a moment—by way of illustration showing that that particular thing itself could not be done, it being made an exception by special rule of the Senate.

Mr. ALDRICH. Why?

Mr. BACON. And that, in the absence of a special rule of the Senate, no such disposition under general parliamentary law could be made of an amendment. Under general parliamentary law a motion to lay an amendment on the table is practically not in order.

Mr. ALDRICH. The Senator is mistaken about that.

Mr. BACON. I am not.

Mr. ALDRICH. The Senator is mistaken about it.

Mr. BACON. Pardon me a moment. I stated to the Senate that—

Mr. ALDRICH. I will yield to a question, but I do not care about the Senator's enunciation of general parliamentary law. It would take too long, and he can do that in his own time.

Mr. BACON. I do not desire to do it in my own time. The Senator said he did not understand me. Of course, if he does not wish to allow me to go on, I will not obtrude.

Mr. ALDRICH. I understood the Senator merely wanted to ask a question. The Senator says that under general parliamentary law a motion to lay an amendment upon the table is not in order. The Senator is entirely mistaken about that.

Mr. BACON. I started to say to the Senator—

Mr. ALDRICH. If the Senator will permit me—

Mr. BACON. The Senator will certainly permit me to set myself correct.

Mr. ALDRICH. Very well.

Mr. BACON. I said distinctly, when I was on the floor before, that there were two modes of procedure. One practice was to rule it out of order altogether, and the other was, in other parliamentary schools, to hold it to be in order, but that it carried the original proposition with it if it prevailed. I distinctly stated that before.

Mr. ALDRICH. I never heard of any parliamentary school that said a motion to lay an amendment upon the table was not in order. There is no such parliamentary school.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from New Hampshire?

Mr. ALDRICH. Not now.

There is a general rule—I might say a universal rule—of parliamentary law that when an amendment is laid upon the table it carries the main question with it; and it was necessary, in order that the action could be otherwise here, that a special rule should be adopted for that purpose. That is all there is of that question.

Mr. BACON. The Senator is mistaken in saying that that is all there is of it, from the fact that there are parliamentary schools and practices in which the opposite is done, where simply, instead of ruling that it carries the original proposition with it, they adopt the device of saying it is not in order at all.

Mr. ALDRICH. I know of no such school.

Mr. BACON. I do.

Mr. ALDRICH. If the Senator will present some papers or documents or statements or books here that will carry out that idea, I shall be very glad to see them; but I never heard that question raised before.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from New Hampshire?

Mr. ALDRICH. Not just now.

The VICE-PRESIDENT. The Senator from Rhode Island declines to yield.

Mr. ALDRICH. It seems to me perfectly plain that this is a substantive proposition, which has to be disposed of in some way. It can be disposed of by being laid upon the table, it can be disposed of by postponement, it can be disposed of by commitment, not only under the rules of the Senate, but under ordinary parliamentary law.

The Senator from Massachusetts says he has looked through the books, and the Senator from Georgia has said that there is nothing of the kind in the books. They must have overlooked the question itself, because the parliamentary law as understood in the Senate is Jefferson's Manual, which was made years ago the authority of the Senate upon all questions of parliamentary law not included within the Senate rules. I call attention to page 106, where it is said in terms:

A particular clause of a bill may be committed without the whole bill.

Mr. LODGE. But not an amendment.

Mr. ALDRICH. If we can commit a clause, we certainly can commit an amendment or a proposed clause. The only difference is that one is a clause and the other is a proposed clause. In the wide search of the Senator from Massachusetts and the Senator from Georgia they seem to have overlooked that.

Mr. LODGE. I read it yesterday when I was looking up this question, but it has no bearing upon it whatever.

Mr. ALDRICH. It has every bearing.

Mr. LODGE. Nobody denies that you can commit a bill or a part of a bill. But that is not an amendment.

Mr. ALDRICH. If you can commit a clause of the bill, you certainly can commit an amendment, by inference; at least it seems to me so.

I am only anxious for this question to be decided. So far, up to this time, at least, there has been no rule or precedent of parliamentary law cited by either of the Senators against the proposition as laid down by the Senator from Illinois.

Mr. GALLINGER. Mr. President, I simply rose to ask the Senator from Rhode Island a question. On page 4, commencing at line 18, the bill reads:

Any common carrier subject to the provisions of this act receiving freight in the United States, etc.

If I should move to amend by inserting after the words "United States" the words "except freight from the Republic of Cuba or the Philippine Islands," I will ask the Senator from Rhode Island whether he thinks he could move to commit that either to the Committee on Interstate Commerce or the Committee on Relations with Cuba?

Mr. ALDRICH. My contention is that the Senate, by a majority vote, can commit any pending question, whether it is great or small, to a committee of this body.

Mr. GALLINGER. I have only this to say: I am so clear that the contention of the Senator from Rhode Island is wrong that if I have an opportunity I shall vote against it. I think the point of order made by the Senator from Texas is absolutely sound, both under our own rules and general parliamentary law; and, while I am just as anxious as any Senator possibly can be to have this matter disposed of as speedily as possible, I shall not, for the purpose of expediting the work of the Senate even on so important a bill as this, vote to violate what I think is clearly both the rule of this body and of general parliamentary law.

Mr. ALDRICH. Will the Senator from New Hampshire allow me?

Mr. GALLINGER. Certainly.

Mr. ALDRICH. I am just as anxious as is the Senator from New Hampshire that this question shall be decided properly. I have no feeling about whichever way it may be decided. I should like to ask the Senator whether, in his judgment, the first section of this bill could be recommitted to the Committee on Interstate Commerce without the remaining portion of the bill?

Mr. GALLINGER. Yes, under Jefferson's Manual; and that is the only authority I have discovered. I believe Jefferson's Manual is a portion of our rules, although it is not very often observed or referred to, and if it were referred to and observed it would cut off a good deal of debate in the Senate. I think

I will in the future call attention to two or three provisions in Jefferson's Manual which, if observed, will expedite our business.

Mr. ALDRICH. Then the Senator does think the Senate can refer a particular clause—

Mr. GALLINGER. Yes, of the original bill, under Jefferson's Manual. That is the English rule. But it is rarely ever enforced or observed.

Mr. ALDRICH. Suppose we adopt this amendment. Then it could be immediately taken from the bill and referred to the Committee on Interstate Commerce.

Mr. GALLINGER. I have no idea that the Senate would do that.

Mr. LODGE. Not until it has passed all its stages.

The VICE-PRESIDENT. The Senator from New Hampshire has the floor.

Mr. ALDRICH. The interjection of the Senator from Massachusetts renders this matter even more absurd, because if it can not be done until it has passed all its stages, then it can not be done, because the rules of the Senate and general parliamentary law—

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. The Senator from New Hampshire is entitled to the floor.

Mr. GALLINGER. I simply want to add a word. The Senator from Rhode Island declined even to allow me a question. I hope he will not take all my time. I am not going to occupy much time in this debate. I think ten minutes will cover all the time I have occupied.

I will say to the Senator from Rhode Island that under Jefferson's Manual the first section of the bill could be referred to the committee if the Senate in its wisdom concluded to do so, but I have not any idea that the Senate ever would do that. It is an English system which we have never invoked in our legislation, so far as I know. There may have been isolated cases—

Mr. ALDRICH. Will the Senator allow me one further question?

Mr. GALLINGER. Yes.

Mr. ALDRICH. If the amendment offered by the Senator from West Virginia should be adopted and become a part of the bill, could we recommit it?

Mr. GALLINGER. The bill?

Mr. ALDRICH. Not the bill; but this clause.

Mr. GALLINGER. Under Jefferson's Manual we could recommit section 1, I think, but that rule has never been invoked in this body during the fifteen years of my membership, and I do not think the Senate would think it was a wise procedure.

Mr. President, I simply wish to say a word. If we can commit the pending amendment, we can commit any amendment that may be offered to this bill, and it would be an absurd procedure for this body or any body to commit amendments to a committee when the proposition itself was not before that committee. I do not believe the Senate is going to sustain a contention of that kind.

Mr. BACON. Mr. President, I wish to say just one word in response to the suggestion of the Senator from Rhode Island as to what is meant by the clause which he finds on page 106. Anyone who has any familiarity with the construction of opinions rendered by courts will readily recall the fact that you can take an isolated sentence and prove almost anything unless you examine the context or unless you look to the particular subject-matter under consideration at the time of the decision. All courts recognize that in the construction either of statutes or of judicial opinions those matters have to be looked into in order to arrive at the correct meaning.

I have no doubt that the rule as laid down on page 106 is a correct rule so far as it is applicable, and it is a very easy matter to give an illustration which will show how that rule may be construed broadly and still be very limited in its application. Suppose we had no general Appropriations Committee and that the appropriations which relate to all of the various Departments of the Government were in a single bill, in which provision was made for the Army, and provision for the Navy, and also provision for the Post-Office Department. When it came before the Senate it would be perfectly in order, under such a rule as that, to distribute the part of the appropriation bill which related to the Army to the Committee on Military Affairs, the part of the bill which related to the Navy to the Committee on Naval Affairs, and the part of the bill which related to the Post-Office Department to the Committee on Post-Offices and Post-Roads. That is an entirely simple matter, and it is matters of that kind which are contemplated by this rule which he cites from page 106. The Senator can not find,

and I issue the challenge broadly to him, in any reputable work any authority for the proposition that when a substantive proposition—a concrete proposition—is before a body and an amendment is offered to that proposition it is in order for the body to proceed with the consideration of the original proposition and send the amendment to the consideration of a committee.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BEVERIDGE. I thought the Senator from Georgia was through.

Mr. BACON. I am through.

Mr. ALDRICH. I should like to make a suggestion to the Senator from Georgia.

Mr. BEVERIDGE. Go ahead.

Mr. ALDRICH. It seems to me he is laying down a proposition here for which he ought to furnish some authority. I will say that he can not find in the whole range of parliamentary law or the whole range of parliamentary precedents any rule or precedent which will sustain his contention.

Mr. BACON. It is very hard to find rules which prove a negative.

Mr. BEVERIDGE. Mr. President, this question was settled yesterday when the Senate voted upon the proposition whether a motion to lay on the table was in order. They held that it was in order. I did not vote that way and thought that the conclusion of the Senate was erroneous. But the majority was overwhelming, and of course it is decisive. What was that? The whole question here is whether or not an amendment is a question. The rule reads:

When a question is pending no motion shall be received but—

Among others—

To lay on the table.

To commit.

Yesterday the Senate decided, by a vote of 49 to 29, that an amendment is a question for the purpose of moving to lay it on the table within this rule. If yesterday an amendment was a question for the purpose of moving to lay it on the table within this rule, why is it not to-day a question for the purpose of moving to commit it under the rule? Unless the decision of the Senate yesterday, which I then thought and still think was wrong and revolutionary, was wrong and revolutionary, the action of the Senate yesterday by an overwhelming majority must conclude the Senate to-day. Yesterday when the question was whether the motion to lay on the table was in order, I voted "nay," and I still maintain that view; but I will ask the Senator from Massachusetts or the Senator from Georgia why, if an amendment on yesterday was a question within this rule for the purpose of moving to lay it on the table, it is not to-day a question for the purpose of moving to commit it?

Mr. LODGE. If the Senator wants me to answer I will.

Mr. BEVERIDGE. I do.

Mr. LODGE. I do not think it has any bearing on the question we are discussing.

Mr. BEVERIDGE. Of course that is a very lucid answer. I trust it is conclusive to the Senator from Massachusetts—

Mr. LODGE. I very much hope the Senator from Indiana understood it. I tried to make it lucid.

Mr. BEVERIDGE. I trust it is conclusive to the Senator if not to anybody else. He can not solve this question or convert anyone by mere impatience.

Rule XXII reads:

When a question is pending, no motion shall be received but—

To do what?

To lay on the table.

To lay what on the table? To lay the question on the table. What was it the Senate agreed that it was in order to lay on the table yesterday? The question. What was the question? This particular amendment. The rule simply says that when a question is pending a motion to commit is in order. To commit what? The question? What is the question? The amendment which yesterday we held that it was in order to move to lay on the table. So, if the action of the Senate yesterday was correct, the motion to commit must necessarily be in order now.

Mr. McLAURIN. Mr. President, I think the Senator from Indiana [Mr. BEVERIDGE] is mistaken when he says the only thing we have to determine is whether this is a question, and I think he is mistaken in the reading of Rule XXII. The rule reads:

When a question is pending, no motion shall be received but—

To adjourn, etc.

It does not say that when a question is pending it shall be in order to move to adjourn, to commit, etc. But—

No motion shall be received but—
To adjourn.
To adjourn to a day certain. * * *
To take a recess, etc.

Now, this must be construed reasonably. It never was intended that the rule should require the doing of an idle thing, and it never was supposed that the Senate would so construe the rule. It may be there are clauses in bills which can with propriety be separately committed to a committee; but when it speaks of a motion to commit, it must be a motion to commit a question that is referable, not a question that is not referable, not a question that may not be committed without doing an idle thing.

If an amendment to a bill or to a section of a bill is committed to a committee, it must carry with it the bill, unless the commitment is supposed to do an idle thing. For how could the committee consider an amendment to the bill without having the bill before the committee? Suppose these amendments were committed by this motion to the Committee on Interstate Commerce, and suppose that the committee starts out to consider the amendments. How is the committee going to give any intelligent consideration to the amendments without the bill being before the committee to consider in connection with the amendments and to consider how the amendments would affect the bill or would affect the sections they are intended to amend? It would be an idle ceremony to commit these amendments to the committee without the bill for their consideration, because when you got them into the committee there would be no amendment to anything so far as the committee is concerned. It would not be an amendment to the bill, because the committee would not have the bill to consider. The committee would have no amendment to any bill.

Mr. ALDRICH. Will the Senator from Mississippi allow me to ask him a question?

Mr. McLAURIN. Certainly; with pleasure.

Mr. ALDRICH. Does the Senator agree that the amendment of the Senator from West Virginia involves an entirely distinct and separate proposition from anything contained in the bill?

Mr. McLAURIN. It does not.

Mr. ALDRICH. Oh, it certainly does.

Mr. McLAURIN. It is an amendment to the bill.

Mr. ALDRICH. It is an amendment to the bill technically, but it involves the consideration of a new proposition entirely; absolutely distinct and separate from anything that is now in the bill.

Mr. McLAURIN. Will the Senator let me ask him a question? How is the committee to know that without having the bill before it?

Mr. ALDRICH. I think they would know it by reading the proposition itself.

Mr. McLAURIN. I do not think it is to be presumed that they would know it intuitively.

Mr. ALDRICH. I think, unless they are lacking in intelligence, they would understand that.

Mr. McLAURIN. They would know it was an entirely different proposition from anything—

Mr. BEVERIDGE. Will the Senator from Mississippi allow me to ask him a question?

Mr. McLAURIN. Certainly.

Mr. BEVERIDGE. Does the Senator think that this amendment, which involves the question of preventing railroads from indulging in mining coal, or transporting it, as their own, is a question? Does the Senator think the amendment states a question to the Senate?

Mr. McLAURIN. It states a question, but not a question that is referable without the bill.

Mr. BEVERIDGE. I wish to follow that question by another one. If it does state a question, and that question is, under the rule, such a one as anyone may move to lay on the table, why is it not also a question, under the rule which names them both, which anyone may move to commit?

Mr. McLAURIN. Whenever a question is before the Senate that can be committed, it must be a question which it would be reasonable to commit; it must be a referable question.

Mr. BEVERIDGE. But, Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield further to the Senator from Indiana?

Mr. McLAURIN. Yes; if the Senator will let me finish answering his question.

Mr. BEVERIDGE. Yes; I will.

Mr. McLAURIN. I do not think a motion to lay an amendment on the table is permissible, so far as that is concerned—

Mr. BERRY. Will the Senator permit me for a moment?

Mr. McLAURIN. Certainly.

Mr. BERRY. If precedent has anything to do with it, I suggest to the Senator that he will find a thousand precedents where amendments have been laid on the table; and he can not, I think, find one where an amendment was ever committed to a committee by the Senate.

Mr. McLAURIN. That is a complete answer to the Senator's question.

Mr. BERRY. It is universal to table amendments—at least, it has been the practice for the last twenty years; but I do not think the Senator from Rhode Island can find a single precedent where an amendment has ever been committed to a committee without the bill being committed also.

Mr. BEVERIDGE. But, Mr. President—

The VICE-PRESIDENT. Does the Senator from Mississippi yield further to the Senator from Indiana?

Mr. McLAURIN. Certainly.

Mr. BEVERIDGE. One sentence is sufficient. We yesterday established a precedent which brings this within the rule. I ask the Senator whether it is a question of discretion, under the interpretation put upon this rule by the Senate, by an overwhelming vote, when the rule says "when a question is pending no motion shall be received but," and then names exceptions, thus permitting those motions to be made, and among those exceptions are "to lay on the table" and "to commit?" Those two motions are in order. To commit what? A question. Is not an amendment a question? Yesterday the Senate decided it was, for that purpose.

Mr. McLAURIN. The Senator asked permission to ask me a question. I hope he will not make a speech in my time.

Mr. BEVERIDGE. Yesterday the Senate decided that it was a question for the purpose of making one of the motions named in the rule. Why is it not to-day also a question for making another motion named in the rule?

Mr. McLAURIN. I have tried to answer the Senator. The Senator made a mistake in the reading of this originally, but now comes back to the correct reading. This does not presuppose that all of these motions may be made under any circumstances, or that any one of these motions may be made under all circumstances. But "when a question is pending, no motion shall be received but," etc.; that is, if the amendment itself is pertinent and permissible, then it may be made when the question is pending. It does not follow, simply because when they are pertinent and when they are logical and when they are permissible, they may be made, that, therefore, under all circumstances, or under any circumstances, they may be made. It would be an idle thing, it would be an absurd thing—I do not say it offensively, but it seems to me it would be an absurd thing—to refer an amendment to a committee without referring the bill, or to refer an amendment to a section without referring the section.

Now, I put it to any Senator, how could a committee consider an amendment to a bill without having the bill before it for consideration? Can it be done? If it can not be done, then would it not be an idle thing to undertake to compel the committee to consider an amendment—and that is what it means when it is referred to the committee—to the bill without the committee having the bill before it so that it could see what application the amendment had to the bill?

Mr. BEVERIDGE. I do not want to take all of the Senator's time. In the Senate it is competent to offer any kind of an amendment. It is not as it is in the House, where the amendment must be germane.

Mr. McLAURIN. I understand that an amendment ought to be germane, or it is not permissible.

Mr. BEVERIDGE. No; I will ask my question. Suppose some Senator was to propose an amendment upon an absolutely different subject, something which had to do with our foreign affairs or something of that kind. It would be proper to offer such an amendment in the Senate, within the discretion of any Senator. But it would involve a subject which had nothing whatever to do with the pending bill. Does the Senator mean to say that the Senate could not refer that amendment to a committee without committing the bill with which it had nothing to do?

Mr. McLAURIN. I mean to say that I do not admit the premises of the Senator from Indiana.

Mr. GALLINGER. If the Senator will refer to the rules, he will observe that an amendment of that nature would be submitted by the Chair to the Senate for determination as to whether it is germane. We have a specific rule on that point.

Mr. McLAURIN. That is correct, and it is a complete answer to the Senator from Indiana. I do not admit his premises.

Mr. President, I rose merely to say a few words in reference to the reasonableness or idleness of referring an amendment

without the bill, and the impossibility of the consideration of the amendment by the committee without the bill, and to say that if there is any disposition to kill the amendment, the best way to do it is to vote it down. It can be voted down, if Senators desire to do so, and it can be gotten rid of in a direct way without doing a thing which would be utterly idle and a thing which it would be impossible for the committee to do.

Mr. LODGE. Mr. President, I desire to make clear what perhaps I did not make clear when I first addressed the Senate on this point. Under our rules, or under our practice, at least, an amendment to a bill pending before a committee can be referred to that committee for consideration during the pendency of the bill in the committee. If this bill were before the Committee on Interstate Commerce, we could refer an amendment to that committee to consider it in connection with the bill. It is a voluntary proceeding, and proceeds usually by unanimous consent, or the introducer may ask to have the amendment lie on the table. If a bill relating to the subject was now before the Interstate Commerce Committee, we could refer amendments to it on request in the usual way.

My point, and my sole point, here is that the bill to which is offered this amendment, which it is now proposed to refer, is here in the Senate, and no amendment can be detached and sent off into the air where no bill exists. The amendment draws its whole vitality from the bill, the main proposition, to which it is offered.

Now, under the old rules of the Senate a motion to lay on the table was always in order, but so closely were bill and amendment united that it was of no value in shortening debate on amendments, because it was held that the motion to lay on the table, applied to an amendment, carried the bill with it; and we owe it to the Senator from Maine that we read in our rules to-day—

Any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

And, again—

When an amendment proposed to any pending measure is laid on the table, it shall not carry with it or prejudice such measure.

Now, that, and that alone, is what has made the motion to lay an amendment on the table effective in shortening debate, because under the old rule the motion to lay the amendment on the table carried the entire subject with it, the amendment was so wholly a part of the bill before the Senate.

Mr. President, in reference to the suggestion of laying a question on the table, I will say we are not laying a question on the table. We are laying an amendment on the table, or we are laying the bill on the table. There are questions which come before the Senate, like the motion to adjourn or the motion to take a recess to a time certain, which are not open to the motion to commit. This rule of precedence of motions has nothing whatever to do with the question that is before us here, and that question is simply this: Can you commit to a committee an amendment to a bill when the bill is not before the committee, but is here in the Senate? Can you detach an amendment and send it to a committee? Would it be suggested that any Senator, under our practice, could introduce an amendment—not to any bill, just an amendment—and send it to committee? Of course, it has to have a bill in order to exist.

Mr. ALDRICH. I remember very many times in the history of the Senate when amendments have been offered to a bill which could be sent to another committee than the one from which the bill came or to a committee without any reference to the bill itself. For instance, I remember that on the Army appropriation bill the so-called "Platt amendment" was offered in reference to affairs in Cuba, involving a code of laws practically for the government of the Republic of Cuba. Does any Senator say that that could not have been sent to the Committee on Foreign Relations?

Mr. TELLER. It was not, was it?

Mr. ALDRICH. It was not; but it was considered by unanimous consent because of the overwhelming necessity for action. I think neither the Senator from Colorado nor any other Senator would contend that it would not have been in order to move to refer that amendment to the Committee on Foreign Relations or the Committee on Cuban Relations.

Mr. BEVERIDGE. We can not hear the Senator's interesting remarks here.

Mr. ALDRICH. I have known of a great many other cases where bills that were not in any sense germane to a pending bill were offered as amendments.

Mr. TELLER. And adopted?

Mr. ALDRICH. Sometimes adopted and sometimes otherwise.

Mr. TELLER. Did the Senator ever know of an isolated

amendment being sent alone to a committee? If he did, I wish he would tell us when it was done.

Mr. ALDRICH. I think this is a question of power and not a question of precedent.

Mr. BAILEY. If the Senator from Massachusetts will permit me, I wish to ask the Senator from Rhode Island a question. Suppose a committee—

Mr. LODGE. I wish the Senator from Texas, who is going to direct a question to the Senator from Rhode Island, would let me finish first what I have to say.

Mr. BAILEY. Then I will direct my question to the Senator from Massachusetts.

Mr. LODGE. I will yield to the Senator.

Mr. BAILEY. Suppose a committee having in charge a bill were to report to the Senate an amendment, plainly that would not be in order; and so it seems to me neither would it be in order for the Senate to send to the committee having no bill an amendment to it.

Mr. LODGE. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] has just called my attention to a passage in Jefferson's Manual which I did not notice yesterday, and which occurs at a point where I had not looked, but which seems to me to indicate the principle which we have been discussing.

Mr. BURROWS. On what page?

Mr. LODGE. On page 115:

Suppose a motion for the previous question—

Mr. ALDRICH. That has already been read by the Senator from Georgia.

Mr. GALLINGER. Let it be read again. It was not heard.

Mr. LODGE (reading)—

or commitment, or amendment of the main question, and that it be then moved to postpone the motion for the previous question, or for commitment or amendment of the main question—

I did not hear the Senator from Georgia read it.

Mr. GALLINGER. The Senator from Texas read it.

Mr. BACON. It was the Senator from Texas.

Mr. LODGE (reading)—

It would be absurd to postpone the previous question—

Which of course we do not have here—

commitment, or amendment alone, and thus separate the appendage from its principal.

That is the whole point in this question. The amendment is an appendage. The point is not to lay a question on the table; it is to lay an amendment or a bill or a motion on the table. Here the point is to commit an amendment separately from the bill, and that is the only point involved.

Mr. GALLINGER. It is an appendage.

Mr. LODGE. I have been utterly unable to find that the matter has even had enough standing in any parliamentary body to have ever been considered.

Mr. BAILEY. Mr. President, I wish to make merely one suggestion. While the Senate is considering this matter in Committee of the Whole the Senate must report to the Senate, and the Senate in Committee of the Whole can not refer this or any other matter to another committee. I find on page 107 of the Manual a statement that—

A committee, even of the whole, can not refer any matter to another committee.

That probably refers to the rule of the House; but it would seem to me a rather anomalous procedure for a Committee of the Whole to take action referring a given subject to a committee of the Senate instead of to the Senate itself.

Mr. ALDRICH. But, Mr. President, the Committee of the Whole, as the words Committee of the Whole are used there, have no reference to the Committee of the Whole in the Senate, but to the Committee of the Whole in the House. The purpose, I assume, of the Senator from Illinois in making the motion was that we might be brought to some conclusion upon this question. It looks to me as though we are liable to have more discussion on the preliminary question than perhaps on the main question.

Mr. McLAURIN. Mr. President, I would like to make one further suggestion. If by Rule XXII, "when a question is pending, no motion shall be received but," it is intended to say that all these motions may be made in reference to the question, could a motion be made to commit a motion to take a recess, or to commit a motion to lay on the table, or to commit a motion to postpone indefinitely, or to commit a motion to adjourn?

The VICE-PRESIDENT. The Senator from Texas raises a point of order against the motion of the Senator from Illinois to the effect that the motion is not in order under the rules of the Senate. The Chair finds no sanction for the motion in the well-recognized practice and usage of the Senate. The Chair

will, therefore, leave the question to the determination of the Senate itself, as it is entirely within its competency to decide whether the motion is in order or not.

Mr. LODGE. On that question let us have a roll call.

The VICE-PRESIDENT. All who are of opinion that the motion of the Senator from Illinois is in order—no, those who are of opinion that the point of order of the Senator from Texas is well taken will vote "aye," and those opposed "no." Upon this proposition the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. BERRY. How is the proposition to be put?

The VICE-PRESIDENT. Is the point of order of the Senator from Texas well taken?

Mr. ALDRICH. I would suggest that it is the usual practice to submit to the Senate the question whether the motion is in order.

The VICE-PRESIDENT. It can be put in either form. It may be better understood if it is put as the Chair first suggested, Is the motion of the Senator from Illinois in order?

Mr. HALE. Yes; that is better.

The VICE-PRESIDENT. Those who are of opinion that the motion is in order will vote "yea" as their names are called, and those opposed "nay." The Secretary will call the roll.

The Secretary called the roll; and the result was—yeas 25, nays 48, as follows:

YEAS—25.

Aldrich	Dick	Hopkins	Sutherland
Ankeny	Dolliver	Knox	Warner
Beveridge	Dryden	McCumber	Warren
Carter	Flint	Millard	Wetmore
Clark, Wyo.	Foraker	Nelson	
Crane	Fulton	Nixon	
Cullom	Hansbrough	Piles	

NAYS—48.

Allee	Clay	Kean	Overman
Bacon	Culberson	Kittredge	Perkins
Bailey	Daniel	La Follette	Pettus
Berry	Dubois	Latimer	Platt
Brandegee	Elkins	Lodge	Rayner
Bulkeley	Foster	McCreary	Scott
Burkett	Frazier	McEnery	Simmons
Burnham	Frye	McLaurin	Spooner
Burrows	Gallinger	Martin	Stone
Clapp	Gamble	Money	Tallaferro
Clark, Mont.	Gearin	Morgan	Teller
Clarke, Ark.	Hale	Newlands	Tillman

NOT VOTING—16.

Alger	Carmack	Hemenway	Patterson
Allison	Depey	Heyburn	Penrose
Blackburn	Dillingham	Long	Proctor
Burton	Gorman	Mallory	Smoot

The VICE-PRESIDENT. Upon the question as to whether the motion of the Senator from Illinois [Mr. HOPKINS] is in order the yeas are 25 and the nays 48. The Senate decides that the motion is not in order. Do the friends of the amendment of the Senator from West Virginia [Mr. ELKINS] desire to make further amendment thereto? [A pause.] The question recurs on the amendment in the nature of a substitute proposed by the Senator from Mississippi [Mr. McLAURIN].

Mr. McLAURIN. Mr. President, if I am at liberty to modify it—

The VICE-PRESIDENT. The Senator has such privilege.

Mr. McLAURIN. I will ask that the amendment be withdrawn and that what I send to the desk be substituted.

The VICE-PRESIDENT. The Secretary will read the amendment of the Senator from Mississippi as modified.

The SECRETARY. In lieu of the amendment proposed by the Senator from West Virginia [Mr. ELKINS] insert:

From and after May 1, 1908, it shall be unlawful for any common carrier to transport from any State, Territory, or District of the United States to any other State, Territory, or District of the United States or to any foreign country any article or commodity manufactured, mined, or produced by it or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary or used in the conduct of its business as a common carrier.

Mr. HALE. Mr. President, I move to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Maine moves to lay the amendment just read on the table.

Mr. CLAY. Will the Senator withhold that motion for just a minute? I wish to call the attention of the Senate to the fact that this amendment is a great improvement on the amendment of the Senator from West Virginia. That amendment provides that—

It shall be unlawful for any common carrier engaged in producing, manufacturing, buying, furnishing, or selling, directly or indirectly, coal, coke, or any other commodity to engage in interstate commerce.

In other words, it provides that the carrier engaged in this business shall not engage in interstate commerce. That is a very serious matter to the public.

The VICE-PRESIDENT. The Chair will state that unless

the Senator from Maine withholds his motion debate is not in order.

Mr. CLAY. I understood the Senator to yield.

The VICE-PRESIDENT. The Chair did not so understand.

Mr. CLAY. Will the Senator withhold his motion just two minutes? It will not take me two minutes.

Mr. BACON. Mr. President—

Mr. HALE. Mr. President, it is very apparent to me that we shall make no progress unless we dispose of these amendments.

Mr. ALDRICH. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Rhode Island will state his question of order.

Mr. ALDRICH. I should like to inquire whether an amendment to an amendment can be laid on the table without carrying the amendment?

The VICE-PRESIDENT. The Chair understands that it can. The question is on agreeing to the motion of the Senator from Maine to lay the amendment of the Senator from Mississippi [Mr. McLAURIN] to the amendment on the table.

Mr. BACON. Mr. President, I wish to submit a point of order.

The VICE-PRESIDENT. The Senator from Georgia will state his point of order.

Mr. BACON. My point of order is that, while the motion to lay upon the table may be in order under certain circumstances, it is not in order as long as any Senator desires to speak upon this subject. I will state the reason.

Mr. ALDRICH. I made another point of order, and—

Mr. BACON. I have not stated the point yet. My point of order is that we are not proceeding under the general rules of the Senate, but we are proceeding under a special-consent agreement, and in the absence of that special consent there will be nothing in order with reference to amendments except to debate them. Any authority for voting upon an amendment now is found in the consent order and in that alone. Otherwise an amendment would not be in order to be voted on until the bill came up for final disposition. Being a part of the consent order, all of the consent order must be taken, which provides that it is to be disposed of after debate, fifteen minutes to each Senator. That is the consent order, and the order is absolutely nullified if this ruling is sustained.

The VICE-PRESIDENT. The Chair is of opinion that the Senate construed the unanimous-consent agreement yesterday.

Mr. BACON. Will the Chair permit me?

The VICE-PRESIDENT. Certainly.

Mr. BACON. I suggest to the Chair that yesterday there was no question as to whether any Senator desired to speak.

The VICE-PRESIDENT. The Chair understands that the Senate decided yesterday that a motion to lay an amendment on the table was in order under the unanimous-consent agreement; and the Chair construes the motion to lay on the table as a nondebatable question under the well-recognized rules of the Senate. Therefore the Chair will not entertain debate if the Senator from Maine insists upon his motion.

Mr. HALE. I do insist upon it.

Mr. BAILEY. Mr. President—

Mr. ALDRICH. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Rhode Island will state his point of order.

Mr. ALDRICH. It is not possible to lay an amendment to an amendment on the table without laying the entire amendment on the table.

Mr. BAILEY. It will save all that trouble if the Senator from Maine will withhold his motion and let the Senator from Mississippi [Mr. McLAURIN] withdraw his substitute. We will then vote directly on the Elkins amendment and save all trouble.

Mr. McLAURIN. Before doing that I desire to make a parliamentary inquiry. Should the amendment of the Senator from West Virginia be voted down, will the amendment that I have offered then be in order if it should be withdrawn now?

The VICE-PRESIDENT. Any amendment would be in order as an independent proposition if the amendment of the Senator from West Virginia should be voted down.

Mr. McLAURIN. Then, to save the point of order of the Senator from Rhode Island, I withdraw the amendment and will allow a vote to be taken on the amendment of the Senator from West Virginia.

Mr. HALE. Then I withdraw the motion to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Maine withdraws his motion and the Senator from Mississippi withdraws his amendment.

Mr. MONEY. Mr. President, I rise—

The VICE-PRESIDENT. Let the Chair state the parlia-

mentary status of the question before the Senate. The junior Senator from Mississippi [Mr. McLAURIN] withdraws his amendment in the nature of a substitute to the amendment of the Senator from West Virginia [Mr. ELKINS]. The Senator from Maine [Mr. HALE] has withdrawn his motion to lay the same on the table.

Mr. MONEY. I wish to ask a parliamentary question.

The VICE-PRESIDENT. The senior Senator from Mississippi will state his parliamentary question.

Mr. MONEY. I understood a moment ago—I will be corrected by the Chair if mistaken—that the Chair stated that the action of the Senate yesterday was that when a motion was made to table an amendment that motion was in order under the general-consent agreement. I wish to ask this question of the Chair: If that is true, will there be any debate at all on any amendment if any Senator chooses to make a motion to table? And how can the consent to debate this question be enforced if any Senator can rise in his place and move to table an amendment when it is presented? It certainly cuts off all debate. The intention of this general consent, it must be admitted by every Senator here, was to have an agreement for a fair debate on this question and all amendments pending and that may be offered. The motion of the Senator from Maine [Mr. HALE] was, in my opinion, clearly out of order; otherwise it closes debate on this whole question.

Mr. HALE. I have just withdrawn the motion.

The VICE-PRESIDENT. The Senator from Maine has withdrawn the motion.

Mr. MONEY. I was asking for information of the Chair, if the rule as he stated it was correct, what becomes, then, of the power of debate? What was the object of the unanimous-consent agreement?

The VICE-PRESIDENT. The Chair will state that the unanimous-consent agreement apparently arrested the regular rule of the Senate with respect to moving to lay amendments upon the table, and that the construction put upon the unanimous-consent agreement by the Senate yesterday does not change the ordinary rule.

Mr. FRYE. Mr. President, I understand that the Senate yesterday determined that a motion to lay on the table is in order after discussion. I do not understand that it went any further. I do not understand that the Senate has determined that now a motion to lay on the table may be in order the moment an amendment is offered.

Mr. TELLER. Mr. President, I think the Senate yesterday, simply as suggested by the Senator from Maine [Mr. FRYE], decided that the question of determining when debate should close was with the Senate; and that is all that there was of it. The vote on the motion to lay on the table shows that the question was determined without reference to the particular amendment then pending. It was simply reserving to the Senate the right, after proper debate—which, of course, the Senate must determine—to lay on the table. If any Senator moves to lay an amendment on the table before the discussion has taken place or before the Senate thinks a sufficient amount of discussion has taken place, it is certainly within the power of the Senate to refuse to lay it on the table. I think it could be safely left to the Senate to determine those questions.

Mr. President, this rule has been in force in the Senate ever since I have been a member of it, and I have never known it to be abused. I recall no instance where a motion has been made when any Senator appealed to the Senator making it to withhold it that he might make some remarks and he was not allowed to proceed, except, perhaps, in one or two cases some years ago, where, for particular reasons apparent to everybody in the Senate, it was desired that the Senator who was proposing to make remarks should be taken off the floor.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. ELKINS] as modified by the adoption of the amendment to it proposed by the Senator from New Jersey [Mr. DRYDEN].

Mr. ALDRICH. I hope the Senator from Mississippi [Mr. McLAURIN] will reoffer his substitute. If he does not, I will; because it seems to me that the amendment of the Senator from Mississippi is a very carefully prepared and conservative proposition.

Mr. CLAY. The amendment of the Senator from Mississippi is certainly a great improvement on the pending amendment; and I do not see how it can be improved.

Mr. McCUMBER. Mr. President, I rise to a parliamentary inquiry. I introduced a substitute yesterday for the amendment of the Senator from West Virginia, and I want to know the position of that substitute. It was placed before the Senate by the Chair and discussion was started on it. Now that the substitute offered by the Senator from Mississippi has been

withdrawn, I desire to offer the substitute which I offered yesterday and on which debate was partially had.

Mr. ALDRICH. I suggest to the Senator from West Virginia that if he will look carefully at this amendment he will be quite willing to accept it in place of his own.

Mr. McCUMBER. I think he will accept the one I proposed, and it is much shorter. I simply wish to know whether it can be offered now as a substitute?

The VICE-PRESIDENT. It is in order.

Mr. McCUMBER. I ask that it be read.

The VICE-PRESIDENT. It is in order unless the Senator from Rhode Island has offered the one that was withdrawn by the Senator from Mississippi.

Mr. McCUMBER. I should like to know, then, what became of the one offered yesterday and which was partially under discussion?

Mr. GALLINGER. It was read for the information of the Senate.

Mr. McCUMBER. No.

The VICE-PRESIDENT. The Chair did not hear the Senator from Rhode Island distinctly as to whether he proposes to offer the amendment withdrawn by the Senator from Mississippi?

Mr. ALDRICH. I did not formally offer it.

The VICE-PRESIDENT. Then the substitute proposed by the Senator from North Dakota is in order.

Mr. McCUMBER. I should like to have it read.

The VICE-PRESIDENT. The Secretary will read it.

The Secretary read as follows:

From and after July 1, 1908, any common carrier under the provisions of this act is prohibited from engaging in marketing or selling any coal, coke, or other commodity entering into interstate commerce.

Mr. McCUMBER. Mr. President, that is a very simple proposition, and I would ask any Senator to challenge its covering the whole subject in a very few words. It does not deal with commerce wholly within a State. It simply prohibits any common carrier, after a given time, July 1, 1908, not from engaging in interstate commerce, but from dealing in coal, coke, and other articles of commerce in interstate commerce, not from dealing within the State, but from dealing in interstate commerce.

Mr. BAILEY. Does the Senator from North Dakota believe that Congress could prohibit a railroad company from selling within a State commodities which it produces in that State?

Mr. McCUMBER. No; and that is the object of my amendment. The amendment as drafted by the Senator from West Virginia penalizes the company itself if it should attempt to do that. This amendment does not attempt to do that. I will say to the Senator from Texas that I do not consider that Congress has power to say to a corporation that it can not do wholly within a State what the State laws authorize it to do, and that it can prescribe a penalty against its doing those things. That is the object of the amendment.

Mr. BAILEY. The Senator, I think, is entirely right in saying that Congress can not prohibit a corporation from doing within a State a lawful act. But the trouble with the Senator's amendment is he describes it as an article that enters into interstate commerce. Almost every article enters at some time into interstate commerce.

Mr. McCUMBER. No.

Mr. BAILEY. But the article itself may be carried from one State to another, and after being carried, it may be sold within the State. The description is not accurate.

Mr. McCUMBER. I beg pardon of the Senator. The only thing the company is prohibited from selling is the article owned by itself which enters into interstate commerce. Before it enters into interstate commerce it can sell it under the laws of the State; but it can not the moment that it enters into interstate commerce, and it can not enter into interstate commerce until it has changed from one State to another or has been loaded for the purpose of going from one State to another. So the prohibition is simply against the selling of the article which it must ship from one State to another or to a foreign country; in other words, the article which must go into interstate commerce before it can be sold, because that is the limit of our authority.

We can not reach the company buying and selling in the State in which it is lawful to buy and sell, and I think if the Senator will read that very short amendment again he will find that it clearly expresses that.

Mr. SPOONER. Mr. President, is it not clear enough from the Senator's amendment—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. I yield to the Senator from Wisconsin.

Mr. SPOONER. Is it not clear that the language of the

Senator's amendment is broad enough to prohibit the carrier from selling his commodity in the State?

Mr. McCUMBER. Not under the amendment which I offered.

Mr. SPOONER. I think it is.

Mr. McCUMBER. I think not.

Mr. SPOONER. The amendment reads:

Any common carrier, under the provisions of this act, is prohibited from engaging in marketing or selling any coal, coke, or other commodity entering into interstate commerce.

Mr. McCUMBER. What commodity? The commodity which it sells entering into interstate commerce—not like articles.

Mr. SPOONER. Suppose a corporation—a transportation company engaged in interstate commerce, if you please—under the authority of the laws of a State engages in mining coal; under the Senator's amendment may it not sell that coal in the State, to be put into the channels of interstate commerce by the purchaser, who may not be a transportation carrier at all?

Mr. McCUMBER. Certainly not.

Mr. SPOONER. I think the Senator, if he will carefully read the amendment, will see that I am right.

Mr. McCUMBER. If the Senator will hand me the amendment, I will read it again.

Mr. SPOONER. The Senator from North Dakota does not deal with the question whether the carrier which produces the commodity shall be permitted to put it into interstate commerce or not; he deals with the power to sell the article if it is to enter into interstate commerce, which is clearly beyond the power of Congress.

Mr. McCUMBER. Let us see what the amendment means upon a fair and simple construction.

Any common carrier under the provisions of this act is prohibited from engaging in marketing or selling any coal, coke, or other commodity—

What kind of coal or coke or other commodity and how marketed? That coal or coke or other commodity which enters into interstate commerce?

Mr. SPOONER. Suppose a corporation is engaged in interstate commerce as a carrier and is also lawfully engaged in mining coal in the State of Pennsylvania, for instance, and it sells that coal in the State of Pennsylvania, and the purchaser of that coal in the State of Pennsylvania consigns it to New York over a line not owned or operated by the carrier which produced it?

Mr. McCUMBER. This provision would not in the slightest degree touch that. Therefore it is not the person then selling it, the man who purchases within the State; he can, of course, ship it into any other State. It is not the carrier, therefore, that is shipping it; it is a private individual or whomsoever he sells it to. The common carrier, under the provisions of this bill, is simply prohibited from selling those articles which will enter into interstate commerce before they can be sold or disposed of in another State.

Mr. ELKINS. Mr. President, I propose to modify the amendment which I offered by offering what I send to the desk as a substitute for it.

Mr. ALDRICH (to Mr. ELKINS). Modify the amendment.

Mr. ELKINS. Well, I will modify the amendment.

The VICE-PRESIDENT. The Senator from West Virginia proposes to modify his amendment. The proposed modification will be read.

Mr. GALLINGER. Let the amendment as proposed to be modified be read.

The VICE-PRESIDENT. The amendment as proposed to be modified will be read by the Secretary.

The Secretary read as follows:

From and after May 1, 1908, it shall be unlawful for any common carrier to transport from any State, Territory, or district of the United States to any other State, Territory, or district of the United States, or to any foreign country, any article or commodity manufactured, mined, or produced by it or under its authority, or which it may own in whole or in part or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary or used in the conduct of its business as a common carrier.

Mr. GALLINGER (to Mr. ELKINS). Make the date 1909.

Mr. McCUMBER. I will say in reference to that amendment, that if it be adopted, I should have no objection to it, and I am perfectly willing that it shall take precedence over the substitute I have offered.

Mr. CULBERSON. I should like to ask if there is any substitute pending in the Senate at this time? If there is not, I desire to offer one.

The VICE-PRESIDENT. There is a substitute offered by the Senator from North Dakota [Mr. McCUMBER].

Mr. McCUMBER. I will withdraw my substitute temporarily for the purpose of allowing the substitute offered by the Senator from West Virginia [Mr. ELKINS] to be acted upon.

Mr. CULBERSON. Mr. President, if the Senator withdraws his substitute I should like to know it, because I desire to offer one.

Mr. DANIEL. I ask that the amendment of the Senator from West Virginia be again read.

Mr. CULBERSON. I offer what I send to the desk as a substitute for the pending amendment of the Senator from West Virginia.

Mr. GALLINGER. Mr. President, before the proposed substitute is read—I have suggested to the Senator from West Virginia that this morning by a very large majority the Senate voted that the date should be 1909, and I trust the Senator will modify his amendment accordingly.

Mr. ELKINS. I will accept that.

The SECRETARY. The proposed substitute is modified so as to read:

From and after May 1, 1909, etc.

The VICE-PRESIDENT. Is there objection? If not—

Mr. BAILEY. I want to say to the Senator from West Virginia that if he agrees to over two years in which these gentlemen may readjust themselves, he will get no vote for his proposition on this side of the Chamber.

Mr. ELKINS. Then I am willing to make it 1908.

Mr. CULBERSON. Mr. President, I desire to state that the substitute which I have offered—

The VICE-PRESIDENT. Will the Senator from Texas please suspend until the proposed modification of the Senator from West Virginia is disposed of?

Mr. CULBERSON. No, Mr. President—

The VICE-PRESIDENT. Until it is perfected.

Mr. CULBERSON. The Senator from West Virginia has modified his amendment, and it is now before the Senate. I offer a substitute for it, which is in order, as I understand.

The VICE-PRESIDENT. Is there objection to the modification proposed to be made by the Senator from West Virginia?

Mr. HOPKINS. I object until I can have an opportunity to examine it.

Mr. HALE. The Senator from West Virginia has a right to modify it.

The VICE-PRESIDENT. The Chair thinks the Senator from West Virginia would have that right up to the time of the adoption of an amendment to his amendment or the ordering of the yeas and nays. An amendment was agreed to this morning—

Mr. McCUMBER. Mr. President, I rise to a point of order.

The VICE-PRESIDENT. The Senator from North Dakota will state his point of order.

Mr. McCUMBER. The point of order is that the substitute offered by the Senator from Texas [Mr. CULBERSON] is not in order until the amendment offered by the Senator from West Virginia has been disposed of.

Mr. BERRY. Mr. President, with the permission of the Senator, I wish to say that the Senator from West Virginia did not offer an amendment, but he modified his original amendment.

Mr. ELKINS. That is right.

Mr. BERRY. Now, it is the pending amendment as modified, and the Senator has a right to modify his amendment at any time before it is amended or the yeas and nays have been ordered; and the amendment of the Senator from Texas [Mr. CULBERSON] to that amendment would be in order.

Mr. CULBERSON. Mr. President, I understand—

The VICE-PRESIDENT. One moment, if the Senator please. The Chair will inquire whether the Senator from West Virginia [Mr. ELKINS] modified his amendment in accordance with the suggestion of the Senator from New Jersey [Mr. DRYDEN]?

Mr. ELKINS. No. This is modifying the original amendment.

Mr. TELLER. Mr. President, can we not have the amendment as it now stands read?

The VICE-PRESIDENT. The Chair referred not to the recent proposed modification. The Senator from West Virginia [Mr. ELKINS] proposed an amendment, and the Senator from New Jersey [Mr. DRYDEN] proposed an amendment to that amendment.

Mr. ELKINS. Yes, sir.

The VICE-PRESIDENT. Was that amendment acted upon?

Mr. ELKINS. I think not.

Mr. FRYE. Mr. President, the Senator from West Virginia can ask unanimous consent to modify his amendment, notwithstanding the amendment. Of course the rule is as the Chair states it, that after an amendment has been made to an amendment a Senator can not, except by unanimous consent, withdraw the amendment.

Mr. BERRY. Has the original amendment been amended?

Mr. FRYE. It has been amended.

The VICE-PRESIDENT. The modification can now be made only by unanimous consent.

Mr. GALLINGER. But the amendment that was inserted in the amendment has the date "1909," and now the Senator from West Virginia proposes to modify the amendment by making it "1908."

Mr. FRYE. The Senator from West Virginia took that back.

Mr. ELKINS. I withdrew it.

Mr. GALLINGER. I do not think the Senator withdrew that. The Senator from New Jersey [Mr. DRYDEN], after making a very convincing speech, as I thought, offered an amendment making the date 1909. That was adopted by a very large vote of the Senate, and the Senator from West Virginia can not modify his amendment so as to change that date. He can not possibly do it, except by unanimous consent.

The VICE-PRESIDENT. The rule says that amendments may be withdrawn or modified at any time before an amendment has been adopted or the yeas and nays have been ordered.

Mr. GALLINGER. But this has been amended.

The VICE-PRESIDENT. The Chair is of the opinion that the present proposed modification can only be made by unanimous consent.

Mr. HALE. Let the Chair ask that consent.

The VICE-PRESIDENT. Is there objection to the request?

Mr. HOPKINS. I said that I should object until I had an opportunity to thoroughly examine the amendment. I may approve it after examination, but I do not propose to give my consent until I know the full effect of it.

The VICE-PRESIDENT. Objection is made.

Mr. McCUMBER. Referring again to my point of order, is not the motion of the Senator from West Virginia to amend his original amendment the question now before the Senate?

Mr. CULBERSON. I submit that the Chair has properly declared that to be out of order, and of course it is not pending.

Mr. McCUMBER. The Senator from West Virginia offers to modify the amendment and that is not accepted. Then is not that the question before the Senate?

Mr. ELKINS. I can offer it now, Mr. President, and I do so.

The VICE-PRESIDENT. The Senator from West Virginia proposes to amend his original proposition—

Mr. ELKINS. To modify it.

The VICE-PRESIDENT. The Chair is of the opinion that that is not in order.

Mr. ELKINS. Does the Chair decide that that is not in order?

The VICE-PRESIDENT. The Chair is of the opinion that it is not in order.

Mr. FRYE. If the Senate desires to do so, it can promptly vote down the amendment which is pending, which was offered by the Senator from West Virginia; and it being voted down, the Senator from West Virginia then can offer such an amendment as he pleases.

Mr. ALDRICH. He can offer an amendment in his own right.

The VICE-PRESIDENT. The Chair is of the opinion that that would be in order.

Mr. CULBERSON. Mr. President, I desire to ask, in view of the present situation, if a substitute for the pending amendment of the Senator from West Virginia is in order?

The VICE-PRESIDENT. It is in order.

Mr. CULBERSON. Then I offer the one I have sent to the desk as a substitute. Mr. President, before the substitute is read, I desire to say that it is based upon—

Mr. ALDRICH. I have been trying to get the attention of the Chair, but I do not seem to have succeeded.

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. CULBERSON. Certainly.

Mr. ALDRICH. I was about to ask the Chair if the Senator from West Virginia can not move to amend his own amendment?

The VICE-PRESIDENT. The Chair has decided that the Senator from West Virginia might move to perfect his amendment.

Mr. ALDRICH. He had better offer it, then, as an amendment.

The VICE-PRESIDENT. The Senator from North Dakota [Mr. McCUMBER] has a proposed substitute. Does the Chair understand him to withdraw it?

Mr. McCUMBER. I withdrew it simply for the purpose of allowing the Senator from West Virginia, if he could, to offer what I understood was an amendment.

The VICE-PRESIDENT. The Chair would understand that the withdrawal is an absolute and final withdrawal, so far as the present parliamentary situation of the question is concerned.

Mr. ALDRICH. Mr. President—

Mr. CULBERSON. Mr. President, before—

The VICE-PRESIDENT. The Senator from Texas [Mr. CULBERSON] proposes an amendment in the nature of a substitute for the amendment of the Senator from West Virginia [Mr. ELKINS], which will be stated.

Mr. ELKINS. I will then offer it in accordance with the ruling of the Chair to perfect the amendment.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Before the Senator from West Virginia—

Mr. CULBERSON. I submit that the Senator from West Virginia and the Senator from Rhode Island can not take me off the floor when I am offering an amendment.

Mr. ELKINS. There is no disposition to do so. What is the substitute proposed by the Senator from Texas?

Mr. CULBERSON. It will be read in a moment, if you will only be quiet.

Mr. President, the chief evil which we desire to eradicate in this matter is the ownership of coal mines by railroad companies engaged in interstate commerce. A great many Senators believe that an absolute prohibition against the ownership, production, and manufacture of coal by such corporations can not be legitimately made by the Congress of the United States. Without going into that question—and as to its general effect I agree—the question before the Senate is, How, if at all, we may reach that evil without undertaking to prohibit such ownership and production absolutely? That is the point—not to prohibit these companies from carrying coal from one State to another necessarily, because that will not reach the evil. The evil is the ownership and the production by the corporations themselves aside from their legitimate business of transportation.

I grant that there are two or three sentences in the decision of the Supreme Court of the United States in the Chesapeake and Ohio case which indicate that, in the unanimous opinion of that court, the very fact of the ownership of coal which may pass into interstate commerce by transportation over the lines of the owner of the coal is in itself a violation of the regulations provided by Congress in the interstate-commerce act. Let me read those two or three sentences:

And the considerations previously stated serve also to demonstrate that the prohibitions of the act to regulate commerce concerning "undue or unreasonable preference or advantage," "undue or unreasonable prejudice or disadvantage," and "unjust discrimination" are in conflict with the asserted right of a carrier to become a dealer in commodities which it transports, and as such dealer to sell at a price less than the cost and the published rates.

Indicating, Mr. President, as I have already suggested, that, in the opinion of the Supreme Court, it is at least a serious question whether the ownership and production by a company engaged in transportation is not in itself a violation of the interstate-commerce act and the power of Congress to regulate interstate commerce.

Going back to the case of the Addyston Pipe and Steel Company against the United States, which is reported in 175 U. S., I invite the attention of the Senate to the decision of that court to the effect that such an evil as that may be reached when the companies engage in the production and manufacture for the purpose of transporting it from the State of the manufacture and production and entering, therefore, into interstate commerce. I want to read a sentence or two from that opinion.

Mr. CLAY. From what page does the Senator read?

Mr. CULBERSON. I read from the Addyston Pipe case (175 U. S., pp. 170-240):

The direct and immediate result of the combination was therefore necessarily a restraint upon interstate commerce in respect of articles manufactured by any of the parties to it to be transported beyond the State in which they were made.

The amendment or substitute which I propose, Mr. President, is based upon this decision of the Supreme Court of the United States, and I ask now that it be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. In lieu of the amendment of the Senator from West Virginia [Mr. ELKINS] it is proposed to insert the following:

It shall be unlawful for any corporation, association, or joint stock company engaged as a common carrier in foreign or interstate commerce to engage directly or indirectly through its officers, agents, representatives, employees, directors, or corporations organized for the purpose or otherwise in the production, manufacture, buying, furnishing, or selling of coal, coke, or other commodity of commerce to be transported by it beyond the State or Territory where such coal, coke, or other commodity of commerce is produced, manufactured, bought, or the possession thereof is obtained by said corporation, association, or joint stock company. Any violation of this provision shall be deemed a misdemeanor and the corporation, association, or joint stock company found guilty thereof shall be fined \$500 per day for each day it shall unlawfully engage in the production, manufacture, buying, furnishing, or selling as aforesaid: *Provided*, That when any coal, coke, or other commodity of commerce which is produced, manufactured, bought, fur-

nished, or sold by such corporation, association, or joint stock company is transported by it beyond the State or Territory where it is produced, manufactured, bought, furnished, or sold it shall be conclusively presumed that it was produced, manufactured, bought, furnished, or sold for such transportation: *Provided further*, That this provision shall not be construed to prohibit such corporation, association, or joint stock company from mining fuel exclusively for its own use: *Provided further*, That this provision shall take effect from and after July 1, 1908.

Mr. BAILEY. Mr. President, as I can not vote for that amendment, I think it fair to myself to state my reason for voting against it. The same reason which would have compelled me to vote against the amendment originally proposed by the Senator from West Virginia [Mr. ELKINS] will compel me to vote against this one, because this, like the other, undertakes to prohibit what Congress has no power to prohibit, and thus introduces a question which can be and ought to be avoided.

That Congress can prohibit a corporation engaged in certain enterprises from engaging in interstate commerce, I do not think subject to a reasonable doubt; but if, under its jurisdiction to regulate interstate commerce, it can enter the States and forbid the manufacture, production, or sale of commodities, then, sir, the power of the Federal Government is greater than our fathers ever dreamed. The Federal Government can say that a State corporation can not, while engaged in certain industries under the law of the State, extend its operations to other States; but if in assuming jurisdiction over interstate commerce the Federal Government can enter into a State and there control the processes of production, the enterprise of merchants, and the business of the farmer, simply because they are producing something that may enter into interstate commerce, then, indeed, the commerce power of the Federal Government destroys all of the reserved powers of the States.

I have not had the time to examine the Addyston Pipe case, but my recollection is that in that case several manufacturers of certain commodities agreed among themselves upon a division of territory; in other words, one manufacturer was to sell in one group of States, another manufacturer to sell in another, and still a third manufacturer in a third group. My recollection further is that the Supreme Court held that an agreement of that kind was contrary to the antitrust law of the United States. That the Supreme Court could well hold that all gentlemen on this side will readily agree; but the basis of that decision, extending the power of the Government over a contract of that kind, was that it was to be executed in the various States and therefore constituted an unlawful restraint of interstate commerce. I am not sure that I recall the facts in that case, but if I do—and I think I do—the case itself affords no warrant for saying that because an article is manufactured for sale through interstate commerce the Federal Government possesses a power over that article before it becomes the subject of interstate commerce. As I recall the old case of *Coe v. Erroll*, certain logs had been cut in the State of New Hampshire for transportation to the State of Maine, and yet the court held that those logs did not become the subject of interstate commerce when they first came from the lumber camp to the depot, but that they only passed under the jurisdiction and control of the Federal Government in its regulation of interstate commerce when they reached the depot to begin their journey to their point of destination in another State.

So they held in the Knight case that it was not sufficient that the sugar trust was manufacturing sugar to become afterwards the subject of interstate commerce, and that the Federal Government's control over the sugar manufactured by the sugar trust only attached when the sugar itself became the subject of interstate commerce.

So, Mr. President, it seems to me that we incur a great risk if we put the power of the Federal Government to deal with this question upon the doctrine that it may prohibit what the States may permit, instead of resting it upon the acknowledged power of the Federal Government to determine who shall engage in commerce among the States and what articles can be the subject of interstate commerce. If we put it upon that authority we incur no risk, whereas if we put it upon the other, in my judgment the Supreme Court of the United States will hold that Congress has exceeded its constitutional authority.

For that reason I can not myself vote for any amendment that assumes a power in the Federal Government to control those who may engage in the business of manufacturing, producing, or selling commodities entirely within a State of this Union. It seems to me, even if I am wrong about that, nobody doubts that it is safer to put it on the other ground. Will we not accomplish the same purpose by putting it on the undisputed and indisputable ground?

I prefer myself the original amendment of the Senator from West Virginia, when properly worded in that respect, because it is the broadest, and annihilates either the common carrier's

participation in interstate commerce or compels it to desist from the business which does not belong properly to a common carrier. My own opinion is, however, that an amendment as broad as that proposed by the Senator from West Virginia can not pass this body, and that the utmost we can hope for is the amendment prepared by the Senator from Mississippi and the Senator from Georgia and now proposed by the Senator from West Virginia as his substitute. It is almost in the very line of the amendment hastily offered by the Senator from Virginia on the day before yesterday. While it seems to represent as nearly as possible what can be done, I frankly say it does not go as far as I want to go, and I prefer the broadest and most absolute prohibition that can be drawn; but I want it drawn in a way which I think will enable it to stand scrutiny in the courts. The connection between production and transportation can be destroyed without destroying the reserved rights of the States.

Mr. CARTER. Mr. President, on a former occasion I expressed grave doubt as to the propriety of engaging in departures from the main purpose of the pending bill. The ship-pers of this country have demanded in and out of season that the power to fix a rate should be vested in the Interstate Commerce Commission. The purpose of the pending bill is to vest that power in the Interstate Commerce Commission.

In connection with the laudable effort in that direction, responsive to a well-defined and long-continued public demand, we encounter Senators possessed of a variety of views with reference to the proper method of curing other evils incident to interstate commerce and even State commerce. I think it has been clearly demonstrated upon this floor within the last forty-eight hours that this subject, contemplating the restriction of interstate-commerce railroads or common carriers to their legitimate business, constitutes quite as prolific a subject of discussion as the principal question covered by the bill itself.

The proposed amendment of the Senator from West Virginia [Mr. ELKINS] has led to a protracted debate and to numerous amendments and substitutes, and we now have the two distinguished lawyers from Texas taking direct issue with each other upon this floor, not only as to the details of a proposed substitute, but as to the constitutionality of the manner in which it is proposed to deal with the question.

This body, representing all the States, is happily constructed for the purpose of furnishing illustrations instructive on an occasion of this kind, and I rose merely to show from a practical condition existing in the State of Montana how utterly mischievous this amendment would be if adopted. The amendment proposes to prohibit any common carrier from engaging in interstate commerce if such carrier is directly or indirectly engaged in the production, manufacture, buying, furnishing, or selling of coal or coke or any other commodity or commodities of commerce.

Let me cite the case. We have one enterprise in the State of Montana in which there are to-day over 20,000 men engaged at good wages in the production of copper. It constitutes the great industrial enterprise of our State. This copper is reduced 20 miles from the mines. The mines are chiefly in and about the city of Butte. The largest copper smelter in the world is located at Anaconda, some twenty-odd miles distant. For many years the great mining companies undertook to have their ores transported from Butte to Anaconda through the agency of an independent railroad company.

They found the rolling stock inadequate; the cars were not suited to the purpose; the service was fitful and uncertain, and rates were often prohibitive.

In order that this work might proceed, the copper companies on their own account built a railroad from the copper mines to the copper smelter, a distance of 20 miles. In actual operation this intervening piece of track between the mine and the smelter is as essential to the operation of the general business as the tracks within the levels themselves, upon which run the small cars filled with ore.

This railroad, running from Butte to Anaconda, was constructed principally to carry the copper ore from the mine to the smelter. Incidentally passengers are carried over it also. The Great Northern uses that track for 20 miles, because Anaconda is the terminal of the Great Northern passenger trains which reach there from St. Paul and Puget Sound. It is therefore partly engaged in interstate commerce. The supplies shipped in to the citizens of Anaconda are billed from Philadelphia, New York, and Chicago over this road to Anaconda, and whatsoever the body of the people have to ship out from the town of Anaconda must be shipped over this road, and billed to distant points in the country. The coal needed to run the smelter at Anaconda is shipped from Wyoming very largely, and to a considerable extent the coke is shipped from British

Columbia, and to a considerable degree from Connellsville, in the State of Pennsylvania.

Therefore this line of road, only 20 miles in length, primarily constructed to haul ore, splendidly equipped, with a magnificent roadbed, 90-pound steel rails, ponderous locomotives, equipment unexcelled in any part of the country for a road of like length, is engaged in interstate commerce.

Now, what would be the effect of the amendment of the Senator from West Virginia? This company would be compelled to dismember itself. The effect would be to disrupt and disorganize and devitalize the best and largest industry and enterprise in that State. The enterprise can not be successfully conducted without the railroad, and the railroad can not be operated successfully by an outside company. That I say because I speak from the experience which compelled this company to invest millions upon millions of money in providing this intermediate transportation system between the smelter and the mines.

Now, I objected on a former occasion to the use of the very general term "or other commodities." I am amazed at the inability of Senators to draw amendments intended to cure evils. Failing to comprehend the exact disease, in the midst of a period of excitement in the Senate, they throw in the words "or other commodities," so that everything in creation may be included, regardless of consequences. Go to the great Northwest where iron ore is mined in large quantities, where the tracks of a railroad are shifted about from time to time in such manner that no railroad company would go in there to operate, and the mine must own the means of transportation or quit the business. And yet, Mr. President, this amendment would so far dismember the enterprise that we would bring about idleness where busy men are now engaged. We would drive capital out of employment and drive men into idleness and destitution.

Let this subject-matter, clear and distinct, in and of itself a subject to be treated, be taken up by the Interstate Commerce Committee, carefully considered and finally reported. The chief purpose of the amendment is to cure an evil which has become well known to the country at large—the control of coal by the railroads in the anthracite region in Pennsylvania. That is the main purpose of the amendment. Of course the evil extends to West Virginia and contiguous territory. But therein rests the point to which most of the discussion is directed, and that is the evil sought to be corrected. It will require the best thought of the Interstate Commerce Committee to apply a general law to that existing evil and at the same time avoid touching a vital point in the industrial life of the country in many other sections.

I shall vote against every amendment relating to this subject, not because I have little sympathy with those who seek to escape from the evils in Pennsylvania, but because I do not wish to be a party to enacting a law which, while curing an evil at one point, will produce infinitely greater evils at other points.

Mr. DANIEL. Mr. President, there is an inherent incompatibility in the engagement by a common carrier on its own account in business other than that which the public have authorized it to engage in for public purposes. It is not in order that a carrier may make money by selling commodities that the people accord to them rights to condemn their lands. There are an abundance of people who are ready to engage in commerce who can not be given for such purposes the right to take the property of others against their will. The practice has grown up, however, in some States of so intermingling private business with public concerns that large capital has been invested in some corporations which run a competitive line against their own customers, to the great disparagement and disadvantage of all small traders and of small business men. When, however, we are dealing with an evil which has grown and in which many perfectly honest and correct interests have been commingled, we are dealing with a subject somewhat like the confusion of goods, and we should seek not to spoil the goods in extricating and in refining the rights of the parties.

For that reason the Senate has been impressed with the views set forth by the Senator from New Jersey, and has responded thereto in a reasonable degree.

Mr. President, until 1909, as it would seem to me, is a little longer than necessary. Two years is full time for all the new dispensations to take place in an orderly and in a patient way, without distracting and upsetting the business of the country which is being conducted on present plans. Therefore, I have taken the amendment which I offered day before yesterday and inserted as a prefix the words:

That it shall be unlawful after the 1st day of July, 1908, for a carrier engaged in interstate commerce to carry its own articles in traffic.

If the amendment of the Senator from Texas [Mr. CULBERSON] shall be voted down, I shall then offer this amendment,

with a few verbal changes, in lieu of the then pending amendment which would be before the Senate.

Let me say as to the amendment of the senior Senator from Texas, I share the opinions of his colleague, the junior Senator from Texas, on that subject. I believe it would be exceedingly unwise to mingle one clear and beneficial thought with another, as to which there may be question, not that I do not share also fully the sentiments of both the senior and the junior Senator from Texas, that we ought to obviate this evil just as rapidly and just as thoroughly as the Constitution and laws of the United States will permit.

I object to the amendment as it has been offered by the senior Senator from Texas simply upon the ground which ought, in my opinion, to be decisive against it, whatever may be the merits of its separate parts, that it intermingles and confuses the clear line of thought which is in the amendment the Senator from West Virginia will offer or has prepared to offer if his pending amendment shall be reached in such way that he can do so.

I regret to see, Mr. President, such a persistent effort made in this body to sidetrack the greatest single question with respect to interstate commerce which has come before it. I say the greatest single question, for there is no other proposition in the bill now pending which is of greater dignity and of greater weight commercially, legally, or in any other wise than is the one now pending.

While I appreciate fully, too, the cautions which were given to us by the Senator from South Carolina [Mr. TILLMAN], I would remind that Senator that he was himself the Senator who brought before this body, in letters and in petitions, the great evil that is being done by carriers, which refuse cars to private citizens and to business men who are dependent upon these public agencies, and which employ their own cars in their own personal business for their own profit and behoof. And while I would be cautious and prudent with respect to all chartered companies that have been authorized by legislatures to mingle private and public business together, I would move with as firm and intrepid a step to correct the evil as a fair and conscionable and equitable regard to the interests of all would permit.

I regret to see, Mr. President, so much time taken up in the Senate in seeking most extraordinary and astonishing moves to sidetrack and get in committee or anywhere else but here a leading and most important proposition which is essential to the utility of this bill. I hope that the Senator from West Virginia, if I shall have the opportunity to offer it, will accept the substitute which I shall submit if the amendment of the Senator from Texas shall be voted down. Let me suggest to the Senator from Texas, who has more than one idea in his amendment, that as a prudent and wise legislator and a most learned lawyer, as I know him to be, he take one idea at a time. If this idea shall be ingrafted upon this bill it does not stand in the way of his drawing another amendment which will put his own separate ideas in clear and distinct shape. But when he has so commingled them he concentrates against a single proposition thus compounded those who may oppose either of them, and only weakens the cause by the doubt which may be honestly entertained in one mind or another as to one proposition or another.

Mr. CLARK of Montana. Mr. President, I have listened with a great deal of interest to the discussion of the measure now before this body. I have followed the discussions from day to day, but have never heretofore participated in them, as they related chiefly to questions of a legal character, concerning which I preferred to listen and to learn. I am prepared, when we get to the point, to support a reasonable rate bill, and I am confident that a conclusion will be reached in the near future that will be fairly satisfactory to all the people.

I am as much in favor of the regulation and restriction of the railroads of the country in all of their efforts to deal unfairly with the people as any Senator in this Chamber. I am particularly in favor of the prevention of rebates and discriminations against individuals, companies, and localities, which are the principal evils complained of, and I will go as far as any other member of the Senate to adopt a penal provision for the punishment of such offenses.

We have now reached the consideration of some practical questions involved in this great discussion, and I feel it my duty to myself and to my constituents and to the great West, which I in part represent in this Chamber, to submit some observations upon the pending amendment.

As I understand it, the suggestion of this amendment was an investigation demanded by the Senator from South Carolina [Mr. TILLMAN] concerning the operations of railroads in West Virginia.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CLARK of Montana. I do.

Mr. TILLMAN. If the Senator will permit me, I will correct him in that particular. The investigation now being made by the Interstate Commerce Commission deals with the general subject of coal monopoly and of the merger or pooling of railroads in dealing with coal. But this particular issue of divorcing coal production and transportation grew out of the petitions sent in from the Red Rock Fuel Company and a half dozen or more other private operators in Pennsylvania and in West Virginia. I have possibly twenty more up at my committee room, which I did not present. I put in ten or twelve here—one every morning.

But the exposition of the iniquity and the outrage of this system of squeezing out private citizens and corporations and having the roads monopolize the production and the transportation and the marketing of coal resulted from these memorials and not from the investigation which is going on. When we get the facts which that investigation will doubtless give us, the cry for relief will be so loud and strong that the Senate can not put it off; and I do not say that the Senate is now desiring to put it off, although some Senators, realizing the difficulties, appear to want to postpone action. I myself would be glad to have immediate action, if it takes us a month to discuss and so limit it that we will not do any section or any interest harm while giving protection and relief to those interests which are now being squeezed to death.

Mr. CLARK of Montana. I stated, Mr. President, that I believe the amendment offered by the Senator from West Virginia [Mr. ELKINS] grew out of the complaints that were sent from West Virginia. So far as I know, there have been no complaints from any other part of the country.

Mr. TILLMAN. If the Senator will permit me, I have just had a complaint—

Mr. CLARK of Montana. As my time is limited, I will ask the Senator to wait until I get through.

Mr. TILLMAN. I beg the Senator's pardon.

Mr. CLARK of Montana. So far as that locality is concerned, and possibly in other localities in the eastern coal regions, there are grievances which are properly complained of and which should be dealt with promptly in some other manner, but, in my judgment, such legislation does not properly belong in this rate bill. The difficulties referred to are local in their character, and legislation of a general character like the proposed bill would not be applicable where the conditions are entirely different, as I will endeavor to show.

I am fully in accord with my colleague [Mr. CARTER] as to what he stated concerning the operations of great mining companies in the State of Montana. I wish to say, further, there was not a transcontinental railroad constructed across this continent that was not obliged to open up coal mines for its own use, and not only for its use, but for the use of the people settling along the lines of these roads to build up homes and open farms and mines. I know it was so in Montana, and in Montana to-day three-fourths of the coal consumed in that State and in the city in which I live, having a population of some 80,000 people, where several thousand tons of coal are burned each day in the various mining and smelting enterprises and for domestic purposes, is supplied by the railroad companies. Were it not for the railroads that have made it possible to open up mines all through that western country, supplying fuel not only for domestic, but industrial purposes, those great industries could not have reached the marvelous stage of development which we find there.

The Northern Pacific Railway Company were obliged to go into coal mining for their own protection, and they are to-day employing in the State of Montana 3,000 coal miners and have built up a large town at Red Lodge, in the eastern part of the State. The Great Northern Railroad Company likewise opened coal mines in northern Montana. These roads were not only obliged to do this to meet their own requirements, but they, and the Oregon Short Line operating from the south, were called upon to furnish at least three-fourths of all the coal consumed in the State. There were times there when, notwithstanding the greatest efforts of those companies to supply the people with coal, owing to a congestion of business, there were coal famines in all the towns of Montana; and what would have been the condition of the people of that State had it not been for the railroads owning and mining and shipping supplies of coal to meet their requirements?

I wish to say, further, that in no instance in my experience of over thirty years in Butte, no matter how scarce that commodity has been, have they ever raised the price of coal to

the consumer. The railroads have been an essential factor in the development of the western country which we should not overlook in our desire to protect a few shippers in West Virginia.

There is another feature of this question which I want to present to the Senate. All over that western part of this continent, as has been shown by the development of a half century, discoveries of great mines have been made and are still being made everywhere. In many instances mines are found containing base metals, lead and copper, at points many miles away from any railroad. Persons who own those mines of base metals can not work them unless they have railroad facilities. Butte was kept back for fifteen years for want of railroad facilities, and I know of a number of instances where mines have been discovered and developed and found to be big mines, but being owned by individuals or perhaps by a single company there was no railroad company that would undertake to build a line to them for the reason that it would be hazardous, as they might shut down the mines at any time. What was the result? The owners of the mines—the individuals or the company, as the case might be—have been obliged to build a branch road themselves to the nearest road, in order to secure access to the markets of the world for the products of their mines.

There is an instance of this kind in southern Arizona. The Copper Queen Mining Company is owned by Phelps, Dodge & Co., and they have a number of the greatest mines in that wonderful Territory. They were obliged for their own protection to build a road about 200 miles in length, and to-day it is in operation. When that road was constructed it became a common carrier, subject to the rules and regulations of the Interstate Commerce Commission. Now, what are you going to do under this amendment with such a proposition as that? I myself was obliged to build a road shorter than that—but 28 miles in length—before I could get the products of a copper mine to the market. When I completed that road, some fifteen years ago, it became an interstate-commerce road, because all the products went out and supplies came in through other States and Territories.

By this provision how am I to proceed? I am between the devil and the deep sea. I will either have to stop the operations of the mine or the railroad.

There are a number of other instances of this same character all over the mighty West. I should like to know, as I inquired before, what disposition are you going to make of such enterprises? Are you going to throttle them on account of some imaginary or actual grievance against roads elsewhere? I say "imaginary," because a good deal of it is imaginary, although there are localities where evils do exist. Wherever a railroad company, owning its own coal mines, undertakes to mine coal and ship it out in competition with other coal-mine operators and refuses to furnish them ample facilities for transportation of their products to the markets, I would be in favor of legislation as strict and radical as anyone here to prevent grievances of that kind. But I believe, Mr. President, that the consideration of this question should be had separate and apart from the great proposition with which we are now dealing. Let us endeavor to establish interstate commerce with such restrictions and prohibitions as will result in fair and equitable treatment in protection of the interests of both shipper and carrier, but in doing this we should not incur the risk of destroying or crippling legitimate enterprises. Therefore, as I said before, I am in every respect in sympathy with and in favor of stringent legislation, but I shall oppose every amendment of this character which, in my opinion, will work a great injustice to a great number of people and result in harm to some of the great enterprises throughout the western country.

Mr. TELLER. Mr. President, I presume we may safely say that every railroad in the United States is engaged in interstate commerce. In dealing with this question we are dealing with practically the entire railroad system of the United States. I made some remarks yesterday on this proposition, but in a different form, on the amendment which was then pending—the amendment of the Senator from West Virginia. This is somewhat a different proposition. I was then impressed, and I am still impressed, with the fact that it is exceedingly difficult to deal with this question here and now and that it is a question which ought to have been dealt with by a committee. But I am somewhat loath to admit that the Senate, after a discussion of a few days, can not pass some reasonable and satisfactory bill touching that evil which is most conspicuous in connection with the transportation particularly of coal.

The case decided by the Supreme Court in February last was decided under the existing law, and it would appear from an examination of that case that there is ample law to deal with this subject. What I want to call the attention of the Senate

to is simply that the complaint there was with reference to the transportation of coal. The Senator from West Virginia [Mr. ELKINS] who has introduced this subject is making his complaint simply because of the unfair treatment of the coal miners and coal dealers of that State. The Senator from Montana who first spoke [Mr. CARTER] has told us something of the difficulty of dealing with this question, and so has the Senator from Montana [Mr. CLARK] who spoke last. With some knowledge of the condition not only in Montana, but in Arizona, what both Senators have presented here satisfies me that there is danger of this legislation going very much beyond the point we ought to go. We are very liable to do more harm than good. If we could confine it entirely to the coal business for the time being, I think perhaps it would be better than to include all commodities and all kinds of service.

I have no hesitation in saying that I am a firm believer that those who do transportation business should do nothing else. But, as I said yesterday, I wish to repeat, it is a matter which is not absolutely under our control. The States charter these companies and create these corporations and they declare what their powers shall be. When the product of a mine, in the case of coal, passes into interstate transportation it becomes subject to our control. It is absolutely without control on our part unless we assume a control that we never have assumed until it does reach that stage. Practically one may say that all the coal product of Pennsylvania enters into the interstate commerce of the country. New York and all New England and all the West are supplied with the anthracite coal mined in Pennsylvania. Anthracite coal reaches even as far west as the Missouri River. It was in the earlier days sent clear into the State of Colorado. Just now we are mining sufficient anthracite coal in Colorado. Of the 76,000,000 tons of anthracite coal mined in Pennsylvania last year the great majority of it went outside of the State. It is all of it the subject of interstate commerce. Yet there are corporations in Pennsylvania which are authorized by the law of Pennsylvania to mine coal and to transport it. It is not an illegal act; it is not a crime; it is not an offense against the law either moral or legal.

I do not know but Senators may think it is easy to deal with these subjects. For myself, Mr. President, I find it exceedingly difficult to determine just what would be legal and then what at the same time would be just. Perhaps, under the circumstances, we have made such an exhibition of the conditions and of the offenses of some of the railroad companies that we ought to do something, if possible, toward completing this legislation on the pending bill; but I am still of the opinion that it would have been better if we had dropped this subject in the beginning and remitted the whole subject to the committee of the Senate authorized to deal with it.

Mr. President, taking the case that I spoke of, the case of the Chesapeake Coal Company, which the court decided in February last, there is no pretense of an offense on the part of the company except that they had violated a statute which declared, as to the rates, that it should not lower the rates. The whole question is in a nutshell right here. I am not going to read much from the opinion, but I want to call attention for a moment to it. The court said:

The question, therefore, to be decided is this: Has a carrier engaged in interstate commerce the power to contract to sell and transport in completion of the contract the commodity sold—

Now, here is the gist of the whole thing—

when the price stipulated in the contract does not pay the cost of purchase, the cost of delivery, and the published freight rates?

Whenever the railroad company proposes by such a proceeding to violate the statute, as the court considered they did by making the sum total of those things less, so that the published rate is not maintained, then it becomes an offense, and then the court says without any further statute they can deal with this subject. The court said:

It can not be challenged that the great purpose of the act to regulate commerce, whilst seeking to prevent unjust and unreasonable rates, was to secure equality of rates as to all and to destroy favoritism, these last being accomplished by requiring the publication of tariffs and by prohibiting secret departures from such tariffs, and forbidding rebates, preferences, and all other forms of undue discrimination. To this extent and for these purposes the statute was remedial and is, therefore, entitled to receive that interpretation which reasonably accomplishes the great public purpose which it was enacted to subserve. That a carrier engaged in interstate commerce becomes subject as to such commerce to the commands of the statute and may not set its provisions at naught, whatever otherwise may be its power when carrying on commerce not interstate in character, can not in reason be denied.

That is a recognition, Mr. President, that the carrier may carry on that commerce within the bounds of the State that authorized him to do it, and yet he does not come within the provision of the statute; but whenever he engages in interstate commerce in the transportation of the coal he comes within

the provision of the statute. Then the court go on—it is too long to read—to say that in that way the railroad company may discard the published rates, and they declare that he can not.

Now, Mr. President, that is the evil you want to deal with here. You do not want to deal with a proper road. You do not want to deal with a railroad that has been built to carry lumber from the forest to any community, because there has been no question here of its improper use that I know of. It may be that we ought to adopt a general system that no public carrier engaged in interstate commerce shall engage in anything else, but to do that you must wait and take time, and it must be done carefully and in such way that the interests which are already involved and legally involved, the money already invested according to law, may be properly protected.

I doubt very much, Mr. President, whether you can do that with all the different interests unless you shall confine this to one or two articles. If the evil is so great touching coal—and I do not know but that it is—then it would be well to put a stop to it by dealing with that subject and dealing with that subject alone, dealing with the other subjects as the complaint arises and as the opportunity is presented.

Mr. President, I fear myself, as do the Senators from Montana, that a sweeping provision of this character may materially affect the industries of the great West. We have had a hard time to settle up the West. We are in a very prosperous condition to-day, and I believe as a general rule there is not much complaint in the great West against railroad companies engaging in commerce or anything of this kind. As a rule they do not. There may be some exceptions where they are engaged in such production and distribution as ought to be prohibited, but the vice of their production and distribution is not the production and distribution but the abuse they make of it by attempting to avoid and get rid of the statute which declares that they shall publish their rates and adhere to their rates. Punish them, Mr. President, if they do not adhere to the rates. Punish them in some way if they engage in interstate commerce and then make that an excuse for an undue and unjust competition on their part. If they by that system select a man to whom to sell and give him a price they do not give to somebody else, or if they go into the market and buy articles and transport them and give the seller an opportunity they do not give somebody else, that is a violation of existing law, a law the Supreme Court of the United States says is sufficient now to deal with it; but if it is not, we might readily amend it in that particular and leave these other questions until such time as we shall have an opportunity to do so with less danger of doing something out of the way.

Mr. CULBERSON. Mr. President, under the rule, as I understand it, I am not entitled to say anything further on the substitute; but I desire to modify it in one or two particulars.

The VICE-PRESIDENT. The Senator may modify his proposed amendment. The Secretary will state the modifications.

The SECRETARY. As proposed to be modified the amendment reads:

It shall be unlawful for any corporation, association, or joint stock company engaged as a common carrier in foreign or interstate commerce to engage, directly or indirectly, through its officers, agents, representatives, employees, directors, or corporations organized for the purpose or otherwise, in the production, manufacture, buying, furnishing or selling of coal, coke, or other commodity of commerce to be transported by and for it as a common carrier beyond the State or Territory where such coal, coke, or other commodity of commerce is produced, manufactured, bought, or the possession thereof is obtained by said corporation, association, or joint stock company. Any violation of this provision shall be deemed a misdemeanor, and the corporation, association, or joint stock company found guilty thereof shall be fined \$500 per day for each day it shall unlawfully engage in the production, manufacture, buying, furnishing, or selling as aforesaid: *Provided*, That when any coal, coke, or other commodity of commerce which is produced, manufactured, bought, furnished, or sold by such corporation, association, or joint stock company is transported by and for it as a common carrier beyond the State or Territory where it is produced, manufactured, bought, furnished, or sold, it shall be prima facie evidence that it was produced, manufactured, bought, furnished, or sold for such transportation: *Provided further*, That this provision shall not be construed to prohibit such corporation, association, or joint stock company from mining fuel or other commodity exclusively for its own use: *Provided further*, That this provision shall take effect from and after July 1, 1908.

Mr. FULTON. Mr. President, I voted for the motion to refer this whole subject to a committee. I did so not because I am opposed to whatever legislation is necessary to correct the evils which we all admit exist in some instances and localities, but the difficulty I discover here is, we have not given the subject that careful thought and investigation which is necessary in order to deal with it intelligently, in order to prohibit only that which is wrong and do no injustice to those who are engaged in legitimate enterprises.

All over the West, as the Senator from Colorado [Mr. TELLER] has said, there are little railroads which have been built to

connect with coal mines and sawmills, that have been built simply to get the product from the mills and the mines. In such cases mining and milling are the principal enterprises. The railroading is merely incidental thereto, and yet those railroads connect with interstate lines, or with other railroads connecting with transcontinental or interstate lines. Hence these small roads doubtless would be held to be engaged in interstate commerce. It seems to me, Mr. President, that a distinction should be made and that proper exceptions should be provided in any legislation that shall be enacted on this subject in order to protect such enterprises. Just what those exceptions should be and just how they should be framed I am not prepared at this moment to say, and it does not seem to me that any other Senator is prepared to say.

It is also apparent that most of the Senators who have discussed this question realize the existence of these difficulties. Just what language is requisite to protect the nonoffending roads, I repeat, I am not able at this moment to state; and, therefore, it occurs to me that the wiser plan will be to refer this matter to a committee, and charge that committee with the duty of investigating the subject and reporting some suitable measure for the Senate to consider.

I know of railroads which have been built to coal mines for the sole purpose of developing them. If this amendment shall become a law the owners of such will be compelled either to dispose of the mines or of the roads, and neither would be of any value without the other.

It is my conviction that legislation of this character should be directed against those transportation lines only that are engaged principally in carrying interstate commerce, and with which mining or other enterprises are merely incidental. It ought not to be applicable to those carriers with whom railroading is merely incidental to the business of their mills or mines. I think Senators will generally agree with me on that proposition.

The question is how this legislation should be framed in order to preserve and protect these rights, the rights of the unoffending, and provide against the evils which we all admit do exist. This brings me back to the proposition that we have not given this subject that consideration necessary to enable us to legislate without great danger of doing a very grave injustice to many industries and enterprises. We can better afford to defer action for a few months than we can afford to do irreparable injury and injustice to numerous legitimate enterprises which have grown up under present conditions.

We have been giving our attention, Mr. President, during the last two or three months almost exclusively to the work of framing a bill designed to empower the Interstate Commerce Commission to prescribe rates and practices for transportation lines engaged in interstate commerce. The attention and thought of the Senate have been given almost entirely to that subject. Now, suddenly this subject is sprung, a subject which, in my judgment, is far more complicated than the main subject of this bill. There has been no proposition brought before the Senate during the present session that is more replete with complications and difficult problems than this one of regulating the relations between transportation and mining and manufacturing industries—none. Yet Senators seem to think that we ought to be able to properly treat a matter of this vast importance and of so complicated a nature and character here on the floor of the Senate without the advice or assistance of a committee that has given it careful investigation.

I am very desirous of supporting some law that will correct the evils which we know exist, but in correcting those evils I do not wish to be a party to perpetrating a great injustice.

I admit that no injury can result if we postpone action on this subject a short time, until a committee has had an opportunity to investigate it. I think if it were referred to a committee it is quite probable a report could be made during the present session. If not, and if the matter should go over until the next session, I think we can bear up under present conditions for a few months longer and would far better do so than do the injustice which I think is very likely to result from hasty and ill-considered action.

I hope, therefore, that no legislation will be enacted unless the subject shall be first referred to a committee that will carefully investigate existing conditions, in order to determine accurately what exceptions are necessary in order to protect those industries which are not offending against the rights or the interests of the people in any respect.

Consider the effect of the proposed legislation on one of the small railroads out West, of which I have spoken, having, we will say, a coal mine in the State of Idaho and a railroad extending therefrom into Washington or Oregon. Such a railroad would be an interstate-commerce line and subject to the pro-

hibitions of the amendments which have been proposed here. This legislation would ruin all such industries and deprive thousands of men of employment. Yet they are offending against no man; they are doing no person and no community an injury or an injustice. They are necessary to and are powerful factors in the development of the resources of the great West. Shall they be stricken down simply because we realize that there are great evils elsewhere which we wish to remedy? Is it necessary to destroy the good in order to correct and restrain the evil? Why must we indulge in this hasty and ill-considered legislation? I sincerely trust the Senate will be disposed to move slowly in this matter. Let us have time to consider it. Let whatever measure which shall be adopted be carefully considered and the proper and necessary exceptions made.

Mr. TILLMAN. Mr. President, the Senate having twice refused by a large majority to refer this matter back to the committee and to postpone some sort of action upon it, it seems to me that—

Mr. LODGE. Will the Senator from South Carolina yield to me?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.

Mr. LODGE. I do not think the Senate has refused to refer. The Senate held that a certain motion was out of order. That was not passing an opinion on the question of the merits of reference.

Mr. TILLMAN. Well—

Mr. LODGE. I did not myself vote on it on that basis.

Mr. TILLMAN. Mr. President, if we have reached a point in debate here where we can not do what a majority of us want to do, we are in a very deplorable fix, and as the Senate, as I said, has twice refused to entertain those points of order and we have a unanimous-consent agreement which obstructs us from doing what some Senators here want to do, I am especially anxious to reach some *modus vivendi* by which we can do business and can vote on something.

Mr. LODGE. Why not move to lay the amendment on the table?

Mr. TILLMAN. We have refused to lay the amendment on the table, for I made that motion yesterday afternoon, and I could not get a majority vote for the motion.

Mr. LODGE. Why not try it again?

Mr. TILLMAN. I am afraid to do so after my experience yesterday, because when I have been run over once I am not in a great hurry to be run over again. Moreover, I do not want to lay this matter on the table. It is too serious and vital an issue, and the people of this country are watching to see whether the Senate, knowing that the evil exists, has not got either the sense or the courage to deal with it. That is my understanding of the situation. We all know there are grave abuses and outrageous conditions not only in West Virginia, but in Pennsylvania, in East Tennessee, in the Indian Territory, and I do not know where else. I will read, for the information of the Senate, what very few Senators have ever read since I introduced my report here, some observations I made on this very topic in the brief report which I presented.

The necessity for granting, at some time, relief to producers and shippers in several important particulars not provided for in this bill may be wisely considered in connection with the pending discussion—

I am speaking of the rate making—

There is no provision, except a most vague and indefinite one, for the anomalous and outrageous condition of affairs disclosed as existing in West Virginia. The letter of Governor Dawson, of that State, published in the CONGRESSIONAL RECORD of February 8, and the memorial of the Red Rock Fuel Company, published in the RECORD of January 29, taken together, disclose a situation that is almost beyond belief. The railroads have seized on the vast mineral wealth of the State in its extensive coal fields and have created a monopoly in that prime necessity of life, fuel.

Landowners who wish to mine and ship their coal are denied access to market, while the roads themselves are engaged extensively in mining and shipping coal; and when private individuals or companies seek to develop their coal lands and send their product to market, the railroads deny or refuse to grant them the privilege of engaging in interstate commerce. In the case of the Red Rock Fuel Company physical connection was refused. They would not permit this coal-mining company to join its track with a switch to the track of the Baltimore and Ohio Railroad and thus obtain an outlet. In other cases mines have had to shut down because of the denial of cars by the railroads. The coal output, in effect, is controlled absolutely by the railroads in their own interest, and in the case of this particular State the infamy of the situation is aggravated by the fact, which is practically proven—

And has since been absolutely proven—

that the three railroad systems entering West Virginia are controlled by an outside road, the Pennsylvania.

There are many other instances in which the proof has been furnished of even more outrageous abuse of power than in the instance cited of the Red Rock Fuel Company case. Where connections between the mines of private companies were already in existence under arrangements made some years ago, the tracks have been torn up and virtual confiscation of the property is threatened. Vested with the rights of

eminent domain to construct their lines and granted liberal franchises and charters, the railroads, designed to be public carriers for the benefit of the whole people, in the last few years have become rapidly transformed into the veriest band of robbers—highwaymen who do not thrust their pistols in the faces of their victims and demand money or their lives, but who levy tribute in freight rates which are as high as the traffic will bear, deny access to market, monopolize with brazen effrontery one of the prime necessities of life—coal—and in every way show their absolute contempt for the people and the people's rights.

The condition of affairs in West Virginia is even worse in Pennsylvania, and from every point of the country come reports that the railroads have practically already obtained control of almost all the coal lands, and where they have not bought the land itself they have obtained mineral leases and are rapidly carrying out the scheme of monopolizing the fuel supply of 85,000,000 people. In Pennsylvania it is charged that they have for years controlled absolutely the State government, and they snap their fingers in contempt at any and every effort to enforce the law and the constitution which prohibits the ownership of coal mines by public carriers. It will be a task of immense difficulty to undo the incalculable mischief and wrong that has already been done.

The plea of vested rights and the complications from the secret transfers, the purchase by holding companies and trust companies, the ramifications of partnerships and of trusteeships, and of other subtle agencies contrived by hundreds of the best legal minds in the country, whose services are at the command of these gigantic corporations, will require firmness, perseverance, and patience by Congress, to grant relief from existing conditions and safeguard the public interests in the future. It is our bounden duty to amend this bill so as to compel every public carrier to give the freest possible access to market to every producer who wishes to engage in interstate commerce.

We should incorporate an amendment in the bill which will compel all railroads to make connections with any and every other railroad, public or private, and grant just and fair traffic arrangements, so as to put every producer upon an equal footing with every other producer. There should also be a provision incorporated in this bill to divorce absolutely the business of transporting freight as a public carrier and the business of producing freight to be transported. The temptation to discriminate against competitors on the part of a public carrier is too great, and it stands to reason that a producer who controls the means of transportation to market at the same time will discriminate against and will in the end destroy every competitor who is in the same business with him.

Now, Senators, we had just as well understand that if we dodge this question and return it to the committee or refuse to do something in regard to it, the people will hold us to account. It is not my business to warn you, but I beg you to do something here.

The VICE-PRESIDENT. The question is on agreeing to the amendment, in the nature of a substitute, proposed by the Senator from Texas [Mr. CULBERSON] to the amendment of the Senator from West Virginia [Mr. ELKINS].

Mr. ALDRICH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BEVERIDGE. Let the amendment be stated.

Mr. LODGE. Oh, no; it is very long.

Mr. BEVERIDGE. I want to know what it is.

Mr. FRYE. It has been read four times.

The VICE-PRESIDENT. Does the Senator from Indiana withdraw his request?

Mr. BEVERIDGE. If, as I understand, the amendment is very long, I withdraw the request.

Mr. CLARK of Montana. I should like to have the amendment read.

The VICE-PRESIDENT. The Secretary will again read the amendment to the amendment.

The Secretary read the proposed amendment to the amendment, as follows:

It shall be unlawful for any corporation, association, or joint stock company engaged as a common carrier in foreign or interstate commerce to engage, directly or indirectly, through its officers, agents, representatives, employees, directors, or corporations organized for the purpose, or otherwise, in the production, manufacture, buying, furnishing, or selling of coal, coke, or other commodity of commerce to be transported by and for it as a common carrier beyond the State or Territory where such coal, coke, or other commodity of commerce is produced, manufactured, bought, or the possession thereof is obtained by said corporation, association, or joint stock company. Any violation of this provision shall be deemed a misdemeanor, and the corporation, association, or joint stock company found guilty thereof shall be fined \$500 per day for each day it shall unlawfully engage in the production, manufacture, buying, furnishing, or selling as aforesaid: *Provided*, That when any coal, coke, or other commodity of commerce which is produced, manufactured, bought, furnished, or sold by such corporation, association, or joint stock company is transported by and for it as a common carrier beyond the State or Territory where it is produced, manufactured, bought, furnished, or sold, it shall be prima facie evidence that it was produced, manufactured, bought, furnished, or sold for such transportation: *Provided further*, That this provision shall not be construed to prohibit such corporation, association, or joint stock company from mining fuel or other commodities exclusively for its own use: *Provided further*, That this provision shall take effect from and after July 1, 1908.

The Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON], and therefore withhold my vote.

The roll call was concluded.

Mr. SPOONER. I have a general pair with the Senator from Tennessee [Mr. CARMACK], who is absent. He is in accord with the Senator from South Carolina [Mr. TILLMAN] on all

questions arising under this bill. I therefore can not tell whether I can vote or not until after the Senator from South Carolina has voted. In this instance, if agreeable to him, I vote "nay."

Mr. GAMBLE. I inquire whether the senior Senator from Nevada [Mr. NEWLANDS] has voted?

The VICE-PRESIDENT. The Chair is informed that he has not voted.

Mr. GAMBLE. I have a general pair with that Senator, and therefore withhold my vote. If he were present, I should vote "nay."

Mr. GAMBLE subsequently said: I observe that the Senator from Nevada [Mr. NEWLANDS] is now present, and I desire to vote. I vote "nay."

The result was announced—yeas 11, nays 62, as follows:

YEAS—11.			
Bacon	Culbertson	La Follette	Tallaferro
Berry	Dubois	McEnery	Warren
Clarke, Ark.	Gearin	Money	
NAYS—62.			
Aldrich	Cullom	Hansbrough	Perkins
Allee	Daniel	Hopkins	Pettus
Ankeny	Dick	Kean	Piles
Bailey	Dillingham	Kittredge	Rayner
Beveridge	Dolliver	Knox	Scott
Blackburn	Dryden	Latimer	Simmons
Brandegee	Elkins	Lodge	Smoot
Bulkeley	Flint	Long	Spooner
Burkett	Foraker	McCreary	Stone
Burnham	Foster	McCumber	Sutherland
Burrows	Frazier	McLaurin	Teller
Carter	Frye	Martin	Tillman
Clapp	Fulton	Millard	Warner
Clark, Mont.	Gallinger	Nelson	Wetmore
Clark, Wyo.	Gamble	Nixon	
Crane	Hale	Overman	
NOT VOTING—16.			
Alger	Clay	Heyburn	Patterson
Allison	Depew	Mallory	Penrose
Burton	Gorman	Morgan	Platt
Carmack	Hemenway	Newlands	Proctor

So the amendment of Mr. CULBERSON, in the nature of a substitute, to the amendment of Mr. ELKINS was rejected.

Mr. ELKINS. I now offer a substitute for the original amendment I introduced.

Mr. BAILEY. If the Senator from West Virginia will allow the vote to be taken on his original motion, I think we can take it without debate. I wish myself to vote for it, although I believe it will be voted down. Then the vote can be taken on the suggestion of the Senator from Mississippi, and that will allow every Senator to express his opinion on both. I think it can be disposed of more readily in that way than it can in any other. I make that suggestion in the interest of a prompt disposition of the matter.

Mr. ELKINS. I hope the Senator will not press that suggestion, because I want a vote on the substitute.

Mr. BAILEY. I am going to have a vote on the most drastic proposition, and I shall offer the Senator's abandoned proposition in lieu of the one he now offers.

Mr. ELKINS. Does the Senator mean the amendment as amended by the Senator from New Jersey?

Mr. BAILEY. If the Senator will allow us to vote on the original proposition, as corrected in accordance with my suggestion, and that is voted down, then the Senator from Mississippi has a proposition, and we will vote on it, and I believe we can do it all without debate.

Mr. ELKINS. I have offered that as a substitute now.

Mr. GALLINGER. Let the substitute be read.

Mr. ELKINS. Let it be read.

The VICE-PRESIDENT. The substitute proposed by the Senator from West Virginia will be read.

The SECRETARY. In lieu of the amendment proposed by the Senator from West Virginia as amended, it is proposed to insert the following:

From and after May, 1908, it shall be unlawful for any common carrier to transport from any State, Territory, or district of the United States to any other State, Territory, or district of the United States, or to any foreign country, any article or commodity manufactured, mined, or produced by it or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary or used in the conduct of its business as a common carrier.

Mr. BACON. Mr. President, I wish to say a word. I do not think the amendment will be effective. The evil sought to be remedied, as I understand, is that railroad companies own coal mines and monopolize the production and the carriage of this property. The substitute does not in any manner prevent their continuing to own the coal mines or continuing to transport the coal, so long as that transportation is limited to the particular State in which the coal mines are located and the railroad is situated. We will take, for illustration, the coal

mines in the State of Pennsylvania, in which State, I believe, most of them are that would be reached by this proposed legislation. So long as those companies have the coal mines in the State of Pennsylvania and their railroads within the State of Pennsylvania, they can still own the mines and still transport the coal to the termini of those railroads inside the State of Pennsylvania. In other words, the railroad companies will still own the coal mines and still monopolize the transportation, say to the port of Philadelphia; and so long as they limit themselves to that and do not transport beyond the limits of the State of Pennsylvania the proposed amendment will not touch them.

Now, in what manner will that cure the evil? I repeat, so long as they continue to own the mines and to operate the mines and to monopolize the transportation, exclusively monopolize the transportation of coal, limiting themselves to the carriage simply to the port of Philadelphia, unless it is intended thereafter to be carried to other points, this proposed legislation will not touch them. In other words, they will go on just as they are now.

For that reason I think the original amendment proposed by the Senator from West Virginia is very much more effective than this, and I do not think this will be effective in any degree if my construction of it is correct.

Mr. BAILEY. Mr. President, no law of Congress can control the transportation of any article taken up inside and put down inside of a State. But no carrier can be or will be permitted to withdraw its interstate commerce from the jurisdiction of the Federal Government by consigning it twice, because if it starts from one State and finally goes into another State or into a foreign country the Federal Government's jurisdiction attaches.

As for my part, I do not believe this amendment, although it meets the approval of some of the most earnest friends of this legislation and some of the most distinguished lawyers on this side, goes far enough. I want to make an absolute prohibition against any common carrier engaging in interstate commerce, if it likewise engages in these prohibited industries. But I recognize that we have no power to prohibit anybody within a State engaging in those industries, and therefore I want the prohibition directed against participation in interstate commerce by any carrier who engages in those prohibited industries.

But, Mr. President, if the Senate does not agree with me, and if this substitute goes as far as the Congress at this time is willing to go, I shall not consume any time in a fruitless debate. But I do believe that the Senator from West Virginia, and all other Senators, ought to be willing to take the sense of this body as to which of these propositions shall prevail. There are more than several of us who believe that the absolute, complete, and full prohibition against the common carrier ought to be enacted. There are others, I fear a majority, who feel that in striving to separate the common carrier from the business of mining and other forms of production we might seriously interrupt the commerce of the country. Those represent, as I believe, the two views in the Senate. The Senator from West Virginia proposes the second view as a substitute for the first, and if it is adopted, then those who believe in the first have no opportunity for taking the sense of the Senate. I appeal to him and to the Senate that as they are the two propositions we may have a fair vote on each of them.

Mr. DANIEL. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Virginia?

Mr. BAILEY. Certainly.

Mr. DANIEL. It is for a question. Does the Senator consider that both propositions are in the amendment originally offered by the Senator from West Virginia?

Mr. BAILEY. I do not. I think—

Mr. DANIEL. I hardly thought so, and I want to suggest this to the Senator from Texas: There will be no trouble in offering the separate idea, whereas if you put the two ideas together, you direct against the amendment the antagonism to both which might not exist as to one of them. Therefore there can be no trouble in adopting the amendment of the Senator from West Virginia, and that and the amendment of the Senator from Mississippi are both identical with an amendment of which I gave notice day before yesterday, and which I have not had the opportunity to offer.

I am glad to see that on both sides of the Chamber the views which I had the honor to present are being practically adopted. I do not wish to confuse by any effort of my own or by mingling with another idea the chance to get through one good thing. I suggest to the Senator would it not be better to let this amendment be adopted, with any verbal alterations he may desire to make, and then put the other idea separately and for itself.

Mr. GALLINGER rose.

Mr. BAILEY. Of course I can reach my end, and I will reach it. The Senator from West Virginia can have a vote on the proposition now, and when we go into the Senate I can offer a substitute for what we adopt now.

Mr. ALDRICH. That is right.

Mr. GALLINGER. That is what I rose to suggest.

Mr. BAILEY. With notice that I shall do that, I will not further delay a vote.

The VICE-PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from West Virginia.

Mr. DANIEL. I ask that it may be read.

Mr. CARTER. Let it be read.

The VICE-PRESIDENT. At the request of the Senators from Virginia and Montana, it will be again reported by the Secretary.

The SECRETARY. In lieu of the amendment proposed by the Senator from West Virginia as amended it is proposed to insert the following:

From and after May, 1908, it shall be unlawful for any common carrier to transport from any State, Territory, or district of the United States to any other State, Territory, or district of the United States or to any foreign country any article or commodity manufactured, mined, or produced by it or under its authority or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary or used in the conduct of its business as a common carrier.

Mr. BACON. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Georgia will state his parliamentary inquiry.

Mr. BACON. This, as I understand, it is proposed to substitute for the pending amendment?

The VICE-PRESIDENT. It is.

Mr. BACON. The inquiry I desire to make of the Chair is this: In case the substitute is adopted, will the Chair still hold that there is a vote to be had on the amendment as amended?

The VICE-PRESIDENT. The Chair understands that it is equivalent to a motion to strike out and insert, and that the substitute if adopted will stand in lieu of the original amendment.

Mr. BACON. And then be put to a vote?

Mr. ALDRICH. Yes; of course.

The VICE-PRESIDENT. It will not require an additional vote.

Mr. ALDRICH. It will require an additional vote.

The VICE-PRESIDENT. As it is a complete substitute—

Mr. ALDRICH. The question will be first on the substitution of this for the other amendment, and then upon the adoption of the amendment as amended.

Mr. BACON. The reason I propounded the inquiry is that there are some who would oppose it as a substitute who would vote for it if it were a final proposition. Therefore I desired to know in advance how that would be.

Mr. LA FOLLETTE. My attention was distracted for the moment while the proposition was being read by the Secretary, and in order to identify it without calling again for its reading, I should like to inquire whether it is the same proposition that was offered by the Senator from Mississippi [Mr. McLAURIN]?

The VICE-PRESIDENT. The Chair understands it is precisely the same.

Mr. CLAY. I may have misunderstood the ruling of the Chair, but, as I understand, it was this: If a majority of the Senate shall vote in favor of adopting the substitute in lieu of the amendment, that is equivalent to agreeing to the amendment as amended. As I understand, the parliamentary situation is this: Senators may prefer this amendment in lieu of the original amendment, and at the same time Senators may be opposed to either amendment. As I understand, after this amendment is voted on, if it is accepted in lieu of the original amendment, then the first amendment must be put to the Senate for its approval.

The VICE-PRESIDENT. If it is the desire, the Chair will, of course, put the question on the amendment as amended. Yet it seems useless, as the substitute is to stand in lieu of the original amendment.

Mr. GALLINGER. But it might be rejected.

The VICE-PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from West Virginia.

The substitute was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from West Virginia as amended.

Mr. TILLMAN. Let us have the yeas and nays, please.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

The roll call having been concluded, the result was announced—yeas 67, nays 6, as follows:

YEAS—67.

Aldrich	Cullerson	Hansbrough	Nixon
Allee	Cullom	Hemenway	Overman
Bacon	Daniel	Hopkins	Perkins
Bailey	Dick	Kean	Piles
Berry	Dillingham	Kittredge	Rayner
Beveridge	Dolliver	Knox	Scott
Blackburn	Dryden	La Follette	Simmons
Brandegee	Dubois	Latimer	Smoot
Burkett	Elkins	Lodge	Spooner
Burnham	Flint	Long	Stone
Burrows	Foraker	McCreary	Sutherland
Carter	Foster	McCumber	Tallaferro
Clapp	Frazier	McEnery	Teller
Clark, Mont.	Frye	McLaurin	Tillman
Clarke, Ark.	Gallinger	Martha	Warner
Clay	Gamble	Money	Wetmore
Crane	Hale	Nelson	

NAYS—6.

Ankeny	Clark, Wyo.	Pettus	Warren
Bulkeley	Millard		

NOT VOTING—16

Alger	Depew	Heyburn	Patterson
Allison	Fulton	Mallory	Penrose
Burton	Gearin	Morgan	Platt
Carmack	Gorman	Newlands	Proctor

So the amendment of Mr. ELKINS as amended was agreed to.

Mr. ELKINS. I offer an amendment to come in after section 1.

The VICE-PRESIDENT. The Senator from West Virginia proposes an amendment, which will be stated.

The SECRETARY. It is proposed to insert at the end of section 1 the following:

Any common carrier subject to the provisions of this act shall promptly, upon application of any shipper tendering interstate traffic for transportation, construct, maintain, and operate upon reasonable terms a switch connection with any private side track which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same; and shall furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any such shipper.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been read.

The amendment was agreed to.

Mr. BAILEY. I submit the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from Texas offers an amendment, which will be stated.

The SECRETARY. On page 2, line 18, before the word "The," insert:

The term common carrier as used in this act shall include express companies and sleeping car companies.

The amendment was agreed to.

Mr. WARNER. I offer the amendment I send to the desk.

The SECRETARY. In the print of May 8—

Mr. LODGE. Where does it come in?

The SECRETARY. It reads:

After the last line of the substitute of the senior Senator from Texas to the amendment of the senior Senator from Ohio.

The VICE-PRESIDENT. To what point in the bill does the Senator from Missouri address his amendment?

Mr. WARNER. It is not in the printed bill. It comes in after the last line of the substitute of the Senator from Texas to the amendment of the Senator from Ohio. I can not give the line.

The SECRETARY. It is proposed to insert:

It shall be the duty of carriers engaged in interstate commerce to give like accommodations to all persons paying the same compensation for interstate transportation of passengers.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. DANIEL. Is the amendment offered to a pending section?

The VICE-PRESIDENT. The Chair understands that it is offered as an independent proposition to come in at the end of section 1.

Mr. DANIEL. I ask that it may be read once more.

The VICE-PRESIDENT. The Secretary will again read the amendment, at the request of the Senator from Virginia.

The SECRETARY. At the end of section 1, after the amendment already agreed to at that place, insert:

It shall be the duty of carriers engaged in interstate commerce to give like accommodations to all persons paying the same compensation for interstate transportation of passengers.

Mr. FORAKER. I move to amend the amendment as offered by the Senator from Missouri by striking out the word "like," in line 2 of his amendment, and inserting in lieu thereof "equally good service and;" so as to read, "to give equally good service and accommodations."

Mr. MONEY. That is right.

Mr. WARNER. I have no objection to that amendment.

The VICE-PRESIDENT. The Senator from Missouri modifies his amendment as suggested by the Senator from Ohio. The modification will be stated.

The SECRETARY. Strike out the word "like," in line 2, and insert "equally good service and."

Mr. BACON. So as to read?

The SECRETARY. So as to read:

It shall be the duty of carriers engaged in interstate commerce to give equally good service and accommodations to all persons paying the same compensation for interstate transportation of passengers.

Mr. BACON. Mr. President, we had some discussion on this question a few days ago. I desire to say for myself—I have had no opportunity to confer with others, but the amendment now offered by the Senator from Ohio is a very great improvement on the one offered before, and so far as I know it is unobjectionable.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. ELKINS. I offer an amendment, found on page 161 of the printed amendments.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Add the following as a separate paragraph at the end of section 1, after the amendments already agreed to at that place:

That any common carrier subject to the provisions of this act shall promptly, upon application of any connecting lateral or branch line, and upon reasonable terms, make connections and fair, just, and reasonable prorating arrangements and division of joint or through rates with such connecting branch or lateral lines.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. DOLLIVER. It seems to me that that is already in the bill. There is a provision in the bill which provides for the order of the Commission making through rates and just and reasonable rates applicable to them.

Mr. ELKINS. It is not covered by the bill. I differ from the Senator.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read. [Putting the question.] By the sound the noes seem to have it.

Mr. ELKINS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The amendment is rejected.

Mr. McCUMBER. I offer an amendment found on page 27 of the printed amendments.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 13, after the word "thereto," insert:

That on and after January 1, 1909, every railroad company doing an interstate-commerce business shall furnish all freight cars, whether refrigerator, cold-storage, or other specially constructed or designed cars for the carriage of special merchandise, necessary for the conduct of its business as a common carrier, and shall furnish at just and reasonable rates all icing and other service necessary or proper for the protection of any goods in transit; and on and after such date no such railroad company shall enter into any contract with the owner or shipper of any goods to ship the same in the cars of such owner or shipper or pay any rental for such cars.

Mr. McCUMBER. Mr. President, all I have to say is that the amendment is aimed at the destruction finally of the private car system. It gives time enough, two years and a half or three years, in which to make the change, and after the expiration of three years then the railroads must furnish their own cars and not use the cars of private companies. It will abolish that system after the year 1908. I do not care about making any argument upon it. I would just as soon have a vote now.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota.

The amendment was rejected.

Mr. McLaurin. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1 of the bill, line 8—

Mr. LODGE. What is the page in the printed amendments?

The VICE-PRESIDENT. It is not among the printed amendments. The amendment will be stated.

The SECRETARY. Strike out on page 1 all between the word "property," in line 8, and the word "from," in line 11.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. GALLINGER. Let the provision be read as it would read if amended.

The VICE-PRESIDENT. The Secretary will read the provision as it would stand if amended.

Mr. McLaurin. I ask that the clause beginning with the

word "wholly," in line 8, to the word "shipment," in line 11, may be read, and then that that part of the section shall be read as it will stand if this amendment shall be adopted.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. After the word "property," in line 8, it is proposed to strike out the following words:

Wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment).

So as to read:

Sec. 1. That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. HOPKINS. Let the Secretary proceed with the reading of the bill.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read section 2 of the bill, beginning on page 3.

Mr. LA FOLLETTE. I did not understand that we had left section 1.

The VICE-PRESIDENT. We have left section 1.

Mr. LA FOLLETTE. There is an amendment which I desire to offer to follow section 1.

The VICE-PRESIDENT. Strictly speaking, the amendment would not be in order, but if there is no objection the Chair will entertain the motion to amend.

Mr. LODGE. Where is it proposed to insert the amendment?

Mr. LA FOLLETTE. At the end of section 1.

The VICE-PRESIDENT. Following the last amendment adopted at the foot of section 1?

Mr. LA FOLLETTE. Yes, sir.

Mr. LODGE. Before section 2?

Mr. LA FOLLETTE. Before section 2.

Mr. BACON. Mr. President, I simply rose because I understand the Chair to have ruled in a way which might affect future proceedings. The Chair will, perhaps, recall that a few days ago we discussed the very question whether or not if a section were passed it would be in order for a Senator thereafter who might for any reason have failed to offer his amendment at that time to return and offer it. It was then the general consensus of opinion that such would be the case.

The VICE-PRESIDENT. The Chair's interpretation of the rule is that after the bill is read by sections for amendment, in the manner in which it is being read now, before it leaves the Committee of the Whole the bill will still be in Committee of the Whole and open to amendment.

Mr. BACON. To any section?

The VICE-PRESIDENT. To any section. The Secretary will read the amendment proposed by the junior Senator from Wisconsin.

Mr. KEAN. Before the Secretary reads the amendment, I have an amendment to this whole section that I will offer and have printed. I will say to the Senate that it is practically the section that was in the Interstate Commerce Commission bill. It is not entirely, but very nearly that section.

The VICE-PRESIDENT. The amendment will be printed. The Secretary will read the amendment offered by the junior Senator from Wisconsin [Mr. LA FOLLETTE].

The SECRETARY. After the last amendment, just agreed to, insert the following, to be known as section 1a:

SECTION 1a. That section 4 of said act be amended so as to read as follows:

"Sec. 4. The Commission created by this act may, in its discretion, upon notice and hearing, prohibit any common carrier subject to the provisions of this act from charging or receiving any greater compensation in the aggregate for the transportation of passengers or like kind of property for a shorter than for a longer distance, over the same line in the same direction, the shorter being included within the longer distance, or may, upon such notice and hearing, prescribe the extent to which such greater compensation may be received; but this shall not be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance."

Mr. LA FOLLETTE. Mr. President, I only wish to say a word in support of the amendment which I have offered. The long and short haul section of the law of 1887 was designed to prevent discriminations as between places. As construed by the Supreme Court it is in the power of the railroad companies to create and maintain conditions which nullify the law. This they have done until every State suffers on account of discrimi-

nations which the section as originally enacted was intended to prohibit. Every section of our country offers examples of higher charges for a short haul than for hauls that are much longer—the shorter haul being within and a part of the longer haul.

The amendment proposes to invest the Commission with authority to determine under what conditions the long and short haul principle shall be applied. If adopted as a part of this bill, it will be enforced only upon complaint and investigation which convinces the Commission that justice requires that it should be enforced. Precisely this amendment was recommended by the Commission in 1897, and that recommendation has been reaffirmed and repeated in every report which the Commission has submitted to Congress from 1897 to the present time.

The bill presented to the Senate by the Committee on Interstate Commerce, and now under consideration, reenacts the old law, and reenacts in section 4 the provision which as construed by the Supreme Court, as I said a moment ago, enables a railroad company to nullify the purpose of Congress when it enacted that section in the law of 1887.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the junior Senator from Wisconsin. [Putting the question.] The yeas seem to have it.

Mr. LA FOLLETTE. I should like to have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. SPOONER (when his name was called). I transfer my pair with the Senator from Tennessee [Mr. CARMACK] to the Senator from Michigan [Mr. ALGER], and I vote "nay."

The roll call was concluded.

Mr. GAMBLE. Has the senior Senator from Nevada [Mr. NEWLANDS] voted?

The VICE-PRESIDENT. He did not vote.

Mr. GAMBLE. I have a general pair with the senior Senator from Nevada, and therefore withhold my vote.

The result was announced—yeas 25, nays 46, as follows:

YEAS—25.

Bacon	Cullom	McLaurin	Stone
Bailey	Daniel	Martin	Tallaferro
Berry	Dubois	Money	Teller
Blackburn	Frazier	Overman	Tillman
Clarke, Ark.	La Follette	Pettus	
Clay	Latimer	Rayner	
Culberson	McCreary	Simmons	

NAYS—46.

Aldrich	Clark, Wyo.	Hale	Nixon
Allee	Crane	Hansbrough	Perkins
Ankeny	Dick	Hemenway	Piles
Beveridge	Dillingham	Hopkins	Scott
Brandegee	Dolliver	Kean	Smoot
Bulkeley	Dryden	Kittredge	Spooner
Burkett	Elkins	Knox	Sutherland
Burnham	Flint	Lodge	Warner
Burrows	Foraker	Long	Warren
Carter	Fulton	McCumber	Wetmore
Clapp	Gallinger	Millard	
Clark, Mont.	Gearin	Nelson	

NOT VOTING—18.

Alger	Foster	McEnery	Penrose
Allison	Krye	Mallory	Platt
Burton	Gamble	Morgan	Proctor
Carmack	Gorman	Newlands	
Depew	Heyburn	Patterson	

So Mr. LA FOLLETTE's amendment was rejected.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 10, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 9, 1906.

CONSULS-GENERAL AT LARGE.

George H. Murphy, of North Carolina, to be consul-general at large of the United States, to take effect July 1, 1906, to fill an original vacancy.

Charles M. Dickinson, of New York, now consul-general at Constantinople, to be consul-general at large of the United States, to take effect July 1, 1906, to fill an original vacancy.

Fleming D. Cheshire, of New York, now consul-general at

Mukden, to be consul-general at large of the United States, to take effect July 1, 1906, to fill an original vacancy.

Richard M. Bartleman, of Massachusetts, now consul at Seville, to be consul-general at large of the United States, to take effect July 1, 1906, to fill an original vacancy.

Horace Lee Washington, of the District of Columbia, now consul-general at Cape Town, to be consul-general at large of the United States, to take effect July 1, 1906, to fill an original vacancy.

POSTMASTERS.

ILLINOIS.

James Bromilow to be postmaster at Chillicothe, in the county of Peoria and State of Illinois, in place of James Bromilow. Incumbent's commission expires June 4, 1906.

Samuel S. Dingel to be postmaster at Wilmette, in the county of Cook and State of Illinois, in place of Samuel S. Dingel. Incumbent's commission expires June 25, 1906.

J. P. Overholser to be postmaster at Sterling, in the county of Whiteside and State of Illinois, in place of Thomas Diller. Incumbent's commission expired March 14, 1906.

Alexander B. Sproul to be postmaster at Sparta, in the county of Randolph and State of Illinois, in place of Alexander B. Sproul. Incumbent's commission expires July 1, 1906.

INDIAN TERRITORY.

William H. Hilton to be postmaster at Durant, in District 25, Indian Territory, in place of William H. Hilton. Incumbent's commission expires June 10, 1906.

IOWA.

Hans Keiser to be postmaster at Elgin, in the county of Fayette and State of Iowa, in place of Hans Keiser. Incumbent's commission expired March 1, 1906.

KANSAS.

William E. Menoher to be postmaster at Lincoln, in the county of Lincoln and State of Kansas, in place of William E. Menoher. Incumbent's commission expires June 24, 1906.

MISSOURI.

Frederick W. Deuser to be postmaster at Clayton, in the county of St. Louis and State of Missouri. Office became Presidential April 1, 1906.

NEW JERSEY.

Frederic B. Taylor to be postmaster at South Orange, in the county of Essex and State of New Jersey, in place of Frederic B. Taylor. Incumbent's commission expires May 16, 1906.

NEW YORK.

Reuben F. Hoff to be postmaster at Union Springs, in the county of Cayuga and State of New York, in place of Reuben F. Hoff. Incumbent's commission expires May 14, 1906.

J. Fenton Olive to be postmaster at Cuba, in the county of Allegany and State of New York, in place of J. Fenton Olive. Incumbent's commission expired April 22, 1906.

OHIO.

James D. Carpenter to be postmaster at Lodi, in the county of Medina and State of Ohio, in place of Henry C. Turner. Incumbent's commission expired April 30, 1906.

Eliza B. Lockwood to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio, in place of Eliza B. Lockwood. Incumbent's commission expires June 30, 1906.

Charles A. Moodey to be postmaster at Painesville, in the county of Lake and State of Ohio, in place of John P. Barden. Incumbent's commission expires June 9, 1906.

James H. Rabbitts to be postmaster at Springfield, in the county of Clark and State of Ohio, in place of James H. Rabbitts. Incumbent's commission expires May 16, 1906.

OREGON.

David L. Moomaw to be postmaster at Baker City, in the county of Baker and State of Oregon, in place of David L. Moomaw. Incumbent's commission expired January 21, 1906.

PENNSYLVANIA.

William H. Davis to be postmaster at Pittsburg, in the county of Allegheny and State of Pennsylvania, in place of George L. Holliday. Incumbent's commission expired May 2, 1906.

David W. Morgan to be postmaster at Franklin, in the county of Venango and State of Pennsylvania, in place of David W. Morgan. Incumbent's commission expires June 19, 1906.

TEXAS.

George W. Hill to be postmaster at Saratoga, in the county of Hardin and State of Texas. Office became Presidential April 1, 1906.

William M. Nagle to be postmaster at Denison, in the county of Grayson and State of Texas, in place of William M. Nagle. Incumbent's commission expired April 30, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 9, 1906.

APPOINTMENTS IN THE NAVY.

Abraham H. Allen, a citizen of Pennsylvania, to be an assistant surgeon in the Navy from the 2d day of May, 1906.

Gunner Conrad W. Ljungquist to be a chief gunner in the Navy from the 10th day of March, 1906, upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

PROMOTION IN THE NAVY.

Midshipman Bradford Barnette to be an ensign in the Navy from the 2d day of February, 1906.

POSTMASTERS.

GEORGIA.

Henry Blun, jr., to be postmaster at Savannah, in the county of Chatham and State of Georgia.

INDIANA.

Walter G. Bridges to be postmaster at Greenfield, in the county of Hancock and State of Indiana.

J. Albert Spekenhire to be postmaster at Richmond, in the county of Wayne and State of Indiana.

Luther Worl to be postmaster at Matthews, in the county of Grant and State of Indiana.

INDIAN TERRITORY.

John McL. Dorchester to be postmaster at Pauls Valley, District 17, Ind. T.

KANSAS.

Lavelle H. Boyd to be postmaster at Russell, in the county of Russell and State of Kansas.

KENTUCKY.

George M. Crider to be postmaster at Marion, in the county of Crittenden and State of Kentucky.

Samuel T. Moore to be postmaster at Princeton, in the county of Caldwell and State of Kentucky.

MASSACHUSETTS.

Louise G. Newton to be postmaster at South Ashburnham, in the county of Worcester and State of Massachusetts.

MINNESOTA.

Kee Wakefield to be postmaster at Hutchinson, in the county of McLeod and State of Minnesota.

MICHIGAN.

William S. Linton to be postmaster at Saginaw, in the county of Saginaw and State of Michigan.

Henry D. Northway to be postmaster at Midland, in the county of Midland and State of Michigan.

MISSOURI.

Joseph H. Smith to be postmaster at Warrensburg, in the county of Johnson and State of Missouri.

Isaac N. Strawn to be postmaster at Hopkins, in the county of Nodaway and State of Missouri.

NEBRASKA.

John R. Hays to be postmaster at Norfolk, in the county of Madison and State of Nebraska.

NEW HAMPSHIRE.

Addison H. Frizzell to be postmaster at Groveton, in the county of Coos and State of New Hampshire.

NEW JERSEY.

Henry B. Hagerman to be postmaster at Mahwah, in the county of Bergen and State of New Jersey.

Carl L. Richter to be postmaster at Fort Lee, in the county of Bergen and State of New Jersey.

NEW MEXICO.

Dora W. Howard to be postmaster at San Marcial, in the county of Socorro and Territory of New Mexico.

NEW YORK.

Edward T. Cole to be postmaster at Garrison, in the county of Putnam and State of New York.

NORTH CAROLINA.

John O. Burton to be postmaster at Weldon, in the county of Halifax and State of North Carolina.

Joshua P. Jessup to be postmaster at Hertford, in the county of Perquimans and State of North Carolina.

Patrick J. O'Brien to be postmaster at Durham, in the county of Durham and State of North Carolina.

Joseph G. Walser to be postmaster at Lexington, in the county of Davidson and State of North Carolina.

NORTH DAKOTA.

Henry F. Speiser to be postmaster at Fessenden, in the county of Wells and State of North Dakota.

PENNSYLVANIA.

David W. Morgan to be postmaster at Franklin, in the county of Venango and State of Pennsylvania.

WASHINGTON.

William T. Cavanaugh to be postmaster at Olympia, in the county of Thurston and State of Washington.

Daniel Crowley to be postmaster at Vancouver, in the county of Clarke and State of Washington.

REJECTION.

Executive nomination rejected by the Senate May 9, 1906.

RECEIVER OF PUBLIC MONEYS.

Edward A. Winstanley, of Montana, to be receiver of public moneys at Missoula, Mont., to take effect May 21, 1906.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 9, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read.

MR. PAYNE. Mr. Speaker, I move that the Journal be approved.

The SPEAKER. The gentleman from New York moves that the Journal be approved.

The question was taken; and the motion was agreed to.

CHANGE OF REFERENCE.

Mr. CASSEL. Mr. Speaker, I move the following change of reference.

The SPEAKER. The gentleman from Pennsylvania moves the following change of reference, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 18444) to prevent the loss of life through accidents to passengers at elevator shafts, from the Committee on Accounts to the Committee on Public Buildings and Grounds.

The question was taken; and the motion was agreed to.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. CASSEL. Mr. Speaker, I offer the following privileged report from the Committee on Accounts.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolution No. 419.

Whereas no examination of the expenditures in the Department of Agriculture has been made by the Committee on Expenditures in the Department of Agriculture for a number of years and such an examination is now necessary in the interest of the public service; and

Whereas said examination can not be had by said committee unless authority therefor is conferred upon said committee; Therefore

Resolved, That the Committee on Expenditures in the Department of Agriculture is hereby authorized to examine, so far as the Department of Agriculture is concerned, all of the matters referred to in paragraph 42 of Rule XI of the House of Representatives, and for that purpose it may send for persons and papers; and said committee is authorized to employ a competent stenographer while conducting said examination, and to sit during the sessions of the House, and to report the result of its examination with any recommendations to the House.

Any expenses incurred hereunder to be paid from the contingent fund of the House on the certificate of the chairman of the committee and approval of the Committee on Accounts.

Mr. WILLIAMS. Mr. Speaker, I desire to say a word concerning the resolution.

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. CASSEL. For a question.

Mr. BARTLETT. Will the gentleman from Pennsylvania yield to me for a moment?

Mr. CASSEL. Yes, sir.

Mr. BARTLETT. Then I yield to the gentleman from Mississippi the time yielded me by the gentleman from Pennsylvania.

The SPEAKER. How much time does the gentleman yield?

Mr. BARTLETT. Five minutes.

Mr. WILLIAMS. Mr. Speaker, I will not need five minutes. I want to say merely that I think this is a proper step to take and the right course to pursue for this Committee on Expenditures in the Department of Agriculture, and to express my hope that the other committees on expenditures in the several Departments will wake up to the fact that they have a very important work to do. The most important committees of this House, if they do their duty, for the purposes of economy and honesty of administration, are the committees on expenditures in the several Departments. I am glad that this particular Committee on Expenditures is taking this step, and I hope it will be imitated by the other committees on expenditures in the other Departments.

The question was taken; and the resolution was agreed to.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18750—the naval appropriation bill.

Mr. WILLIAMS. Mr. Speaker, to save the time of the House, and at the same time determine whether there be a quorum present, I call for the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 242, nays 4, answered "present" 12, not voting 123, as follows:

YEAS—242.

Adams, Pa.	Davis, W. Va.	Kitchin, Wm. W.	Richardson, Ala.
Adams, Wis.	Dawes	Klepper	Rives
Aiken	Dawson	Kline	Rixey
Alexander	De Armond	Knopf	Roberts
Allen, Me.	Deemer	Knowland	Robertson, La.
Ames	Dickson, Ill.	Lacey	Robinson, Ark.
Andrus	Dixon, Ind.	Lafean	Rodenberg
Bannon	Draper	Lamb	Rucker
Barchfeld	Dresser	Landis, Chas. B.	Ruppert
Bartholdt	Dwight	Lawrence	Russell
Bartlett	Edwards	Lester	Samuel
Bates	Ellerbe	Lilley, Conn.	Schneebell
Beall, Tex.	Ellis	Lindsay	Scott
Bede	Esch	Little	Sherman
Beidler	Finley	Livingston	Sims
Bell, Ga.	Fitzgerald	Lloyd	Slayden
Bennet, N. Y.	Flack	Lorimer	Slemp
Bennett, Ky.	Fletcher	Loud	Small
Birdsall	Floyd	Loudenslager	Smith, Cal.
Bishop	Fordney	Lovering	Smith, Iowa
Bonyne	Foss	McCall	Smith, Md.
Boutell	Foster, Vt.	McCarthy	Smith, Pa.
Bowers	Fowler	McCleary, Minn.	Smith, Tex.
Bowersock	French	McCreary, Pa.	Smyser
Bowie	Fulkerson	McKinley, Ill.	Snapp
Brantley	Gaines, Tenn.	McKinney	Southwick
Brick	Gardner, Mass.	McLachlan	Sperry
Brooks, Tex.	Gill	McMorran	Spight
Brooks, Colo.	Gillespie	McNary	Stafford
Broussard	Gillett, Cal.	Macon	Stanley
Brown	Glass	Mahon	Steenerson
Brownlow	Goldfogle	Maynard	Stephens, Tex.
Brundidge	Graff	Meyer	Sullivan, Mass.
Burgess	Graham	Miller	Sulloway
Burnett	Granger	Moon, Pa.	Tawney
Burton, Del.	Greene	Moon, Tenn.	Taylor, Ala.
Burton, Ohio	Gregg	Mouser	Taylor, Ohio
Butler, Pa.	Grosvenor	Mudd	Thomas, N. C.
Byrd	Hale	Murdoch	Thomas, Ohio
Calder	Hamilton	Murphy	Tirrell
Calderhead	Hardwick	Needham	Townsend
Campbell, Kans.	Hay	Norris	Tyndall
Candler	Hedge	Olcott	Underwood
Cassel	Heflin	Olmsted	Volestad
Chaney	Hepburn	Overstreet	Vreeland
Clark, Fla.	Hermann	Page	Wachter
Clark, Mo.	Higgins	Parker	Waldo
Clayton	Hill, Conn.	Parsons	Wallace
Cocks	Hill, Miss.	Patterson, S. C.	Watkins
Cole	Howell, N. J.	Payne	Webb
Conner	Hubbard	Pearre	Weeks
Cooper, Pa.	Hughes	Perkins	Weems
Cooper, Wis.	Humphrey, Wash.	Pollard	Wiley, N. J.
Cousins	Humphreys, Miss.	Powers	Williams
Crumpacker	Hunt	Prince	Wilson
Currier	Jones, Wash.	Pujo	Wood, Mo.
Curtis	Keller	Rainey	Wood, N. J.
Cushman	Kelher	Randell, Tex.	Young
Dale	Kennedy, Nebr.	Reid	Zenor
Dalzell	Kinkaid	Reynolds	
Davis, Minn.	Kitchin, Claude	Rhodes	

NAYS—4.

Garner	Garrett	Henry, Tex.	James
Chapman	Hoar	ANSWERED "PRESENT"—12.	Sheppard
Davey, La.	Jenkins	Lee	Southall
Goulden	Johnson	Lever	Wanger
		Mann	

NOT VOTING—123.

Acheson	Field	Howard	Michalek
Adamson	Flood	Howell, Utah	Minor
Allen, N. J.	Foster, Ind.	Huff	Mondell
Babcock	Fuller	Hull	Moore
Bankhead	Gaines, W. Va.	Jones, Va.	Morrell
Bingham	Garber	Kahn	Nevin
Blackburn	Gardner, Mich.	Kennedy, Ohio	Otjen
Bradley	Gardner, N. J.	Ketcham	Padgett
Buckman	Gilbert, Ind.	Knapp	Palmer
Burke, Pa.	Gilbert, Ky.	Lamar	Patterson, N. C.
Burke, S. Dak.	Gillett, Mass.	Landis, Frederick	Patterson, Tenn.
Burleigh	Goebel	Law	Pou
Burleson	Griggs	Le Fevre	Ransdell, La.
Butler, Tenn.	Gronna	Leare	Reeder
Campbell, Ohio	Gudger	Lewis	Rhinock
Capron	Haskins	Lilley, Pa.	Richardson, Ky.
Cockran	Haugen	Littauer	Ryan
Cromer	Hayes	Littlefield	Scroggy
Darragh	Hearst	Longworth	Shackleford
Davidson	Hearst, Conn.	McDermott	Shartel
Denby	Hinsaw	McGavin	Sherley
Dixon, Mont.	Hitt	McKinlay, Cal.	Sibley
Dovey	Hogg	McLain	Smith, Ill.
Driscoll	Holliday	Madden	Smith, Ky.
Dunwell	Hopkins	Marshall	Smith, Samuel W.
Fassett	Houston	Martin	Smith, Wm. Alden